CHARTER

—OF—

CITY

OF

WARRENTON

CLATSOP COUNTY

OREGON

1922

City of Warrenton
Oregon

CHARTER

CHAPTER I
OF THE INCORPORATION

Creation of Body Politic and Corporate

Section 1. The inhabitants of the City of Warrenton, Clatsop County, Oregon, and of that part of the County of Clatsop and State of Oregon, within the limits hereinafter described, are hereby created and established a body politic and corporate and declared to be a municipal corporation by the name and style of the CITY OF WARRENTON; and by such name shall have perpetual succession, contract and be contracted with, sue and be sued, pleaded and be impleaded, defend and be defended, in all courts of justice, and in all actions, suits and proceedings whatsoever; may purchase, lease, hold and receive property, real and personal, within the said City, for public buildings, public works, streets and improvements, public docks, water works, and all other municipal purposes; and may lease, sell and dispose of the same or any part thereof for the benefit of the said city; and may purchase, hold and receive property, both real and personal, within or beyond the boundaries of said city to be used for city parks, for burial purposes, hospitals, pest houses, prisons, work houses, powder houses, for the erection of water works, and the establishment and maintenance of a water system, for a sewer system and disposal plant, for supplying the City with electric or other lights, and for other useful, beneficial or ornamental purposes, and may erect buildings and works thereon, and may enclose, ornament and improve the same; and may control, sell, lease or dispose of the same for the benefit of the city and may invest and borrow money and pledge the credit and property of the municipality. All property, both real and personal, belonging to or invested in the City of Warrenton as heretofore created, established and bounded shall upon the adopton of this charter, become the property of and vested in the City of Warrenton, as created, bounded and established by this charter; and said City may control, lease sell or dispose of the same or any part thereof for the benefit of theCity.

Corporation Limits of the City.

Section 2. The corporate limits of the City of Warrenton shall be as follows: Commencing at a point on the low tide line of the Pacific Ocean where the same is intersected by the North line of Block Eleven (11) of DeLaura, as laid out and recorded by the DeLaura Beach company, if extended, the same being the line between the North and South halves of the W. H. Gray D. L. C. in Section 29, Township 8, North of Range 10, West of the W. M. in Clatsop County, Oregon; and running thence East along the North line of said DeLaura Beachproperty 3,435.63 feet; thence

South 40 degrees 58½ minutes East 559.78 feet; thence South 54 dgrees 38½ minutes East, 186.77 feet; thence South 36 degrees 11 minutes East 360.51 feet; thence East 475.34 feet; thence North 75 degrees 11½ minutes East 633.89 feet; thence Southeast to the Northwest corner of Morrison's Addition to Frondosa; thence North 79 degrees 21 minutes East, 396 feet to the northeast corner of said Addition; thence South to the northwest corner of Ivy Park Addition; thence East along the north line of said Ivy Park Addition 886.05 feet to the Northeast corner of the same; thence East along the North line of the property of School District No. 2, and continuing East to the Point of intersection with the County Road; thence Northeasterly along the North line of said county road to the North line of the road commonly called and known as the Cut-off road, at the Southwest corner of Moreland Addition; thence Easterly along the North line of said Cut-off road and the South boundary of said Moreland Addition to the West bank of Skipanon Creek or River; thence in a Southerly direction along the West bank of the said creek or river to the South line of Rodney Acres, thence East along the South line of said Rodney Acres to the southeast corner of thesame; thence north along the East side of said tract to its intersection with the center line of Section 27; thence East along the center line of said section to a point where the same would be intersected by the East line of Block 94 of Warrenton Park extended South on a straight line; thence north along the said last mentioned line to the north line of tract "A" of Harriman Addition; thence East along said North line of said tract "A" to the West line of the Brian Lavery D. L. C.; thence North along the West line of said claim to the North line of Section 26; thence East along the said North line of section 26 to the corner common to Sections 23, 24, 25 and 26 of said Township and Range, thence South along the West line of Section 25 to the North boundary of the County Road leading from Astoria to Warrenton; thence East along the North boundary of said County Road to the middle of the channel of the Lewis and Clark River; thence Northerly along the center of said channel to the ship's channel of Young's Bay; thence Northwesterly down said ship's channel to the South ship's cannel of the Columbia river; thence Westerly along the last named channel to the East boundary line of the Town of New Astoria; thence South along the East line of said Town to the Southeast corner of New Astoria; thence West along the South line of New Astoria to the Southwest corner thereof; thence North along the West line of said town to the South boundary of the Ft. Stevens Military Reservation; thence West along the South line of said Military reservation to the low tide line of thePacific Ocean and thence Southerly along said low tide line to the place of beginning."

Changing Boundaries and Annexing Territory.

Section 3. The boundaries of the City of Warrenton may be altered and territory included therein, or excluded therefrom, after proceedings had as required in this section. The proceedings shall be the same as in the case of any other charter amendment, subject to the general laws of the State of Oregon regarding adding territory to, or eliminating territory from, the corporate limits of cities throughout the state.

City Pecincts.

Section 4. For the present the City of Warrenton shall only have one voting precinct which shall be co-terminus with said city limits of the City of Warrenton. The Commissioners, however, may change the boundaries of such precincts or increase the number thereof as the population may require or shall be for the best interests of said City.

CHAPTER II

OF THE GOVERNMENT OF THE CITY

Power and Authority, In Whom Vested.

Section 1. The power and authority given to the Municipal Corporation of the City of Warrenton by this Charter is vested in and shall be

AMENDED MARCH 9, 1935

exercised by a COMMISSION, composed of three members, who shall be elected at large by the qualified voters of the City of Warrenton.

Appointment of Officers.

Section 2. This Commission shall appoint at its first yearly meeting, and keep in office a Manager, whose tenure of office shall be subject to the discretion of the Commission and who may be removed by the Commission with or without cause, provided thirty (30) days notice must be given by the City on removal, or by the Manager prior to his resignation except at the end of the term ofoffice of the General Manager, provided the Commission, by Resolution, may require any officer to perform the duties of two or more offices without additional compensation.

Subordinate Officers and Employees.

Section 3. There shall be constituted the following officers in addition to the Manager: Auditor and Police Judge, who shall act as City Recorder, Treasurer, City Attorney, Chief of Police, Chief of Fire Department, City Engineer, Superintendent of Water System, City Health Officer and other employees deemed necessary in the government and management of the City of Warrenton. The tenure of office of such officers and employees outside of that of Manager shall be subject to the appointment and discretion of the Manager, and each of them may be removed by such General Manager with or without cause; provided the Commission, by Resolution, may require any officer to perform the duties of two or more officers without additional compensation.

AMENDED MARCH 9, 1965

Commission Forbidden to Interfere In Appointments

Section 4. Neither the Commission nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the Manager or any of his subordinates, or in any manner interfere in the appointment of officers and employes in the administrative service. Except for the purpose of inquiry, the Commission and its members shall deal with that part of the administrative service for which the Manager is responsible solely through such Manager, and neither the Commission nor any members thereof shall give orders to any of the subordinates of the Manager either publicly or privately.

CHAPTER III
ELECTIONS

General Elections

Section 1. There shall be a general City election held in the City of Warrenton on the first Tuesday after the first Monday in November in each year, at which election all elective officers provided for by this Charter shall be elected, and all initiative, referendum and other matters submitted by the Commission of the City of Warrenton to the electors of said City at such election shall be voted upon.

Special Elections

Section 2. Special elections may be called by the Commission at such times as it shall designate and shall be governed by the requirements of this chapter the same as general elections.

Judges and Clerks of Elections

Section 3. The Commission shall designate one place in each precinct for holding the election therein, and shall appoint three (3) judges and two (2) clerks for each voting precinct, who, previous to entering upon the discharge of their duties, shall each take, and subscribe to an oath as provided by state election laws.

Notice of Election

Section 4. The Auditor and Police Judge, under the direction of the Commission, shall give ten (10) days' notice by publication in a newspaper designated by the Commission, or by posting notice thereof in three public places in each voting precinct, of such general election, the officers to be elected, the measures, if any, to be voted upon, and the places designated

for the holding of the election, and the names of the judges and clerks appointed for the same.

Qualifications of Electors

Section 5. No person shall be qualified to vote at any election to be held under this Charter who does not possess the qualifications of an elector as defined by the Constitution of the State of Oregon, and who has not resided within the City of Warrenton for at least three (3) months next preceding such election, and who has not duly registered according to law, PROVIDED that voters otherwise qualified may register at the polls on election day in the same manner as is provided by the general election laws of the State of Oregon for voters at a general election in Clatsop County, Oregon.

Registration of Voters

Section 6. Except as in this Charter otherwise provided, the general election laws of the State of Oregon, which are now in force, or which may be hereafter enacted, including the so called corrupt practice "Acts" and their amendments, shall apply to all elections held under this Charter.

The Auditor and Police Judge shall provide registration books and records, following the form of all registration books and records now required of the several County Clerks of the State of Oregon by the general election laws thereof, so far as he may deem the same practicable and convenient. Such registration books shall be kept open for the registering of legal voters in the City all the time, except for a period of ninety (90) days immediately preceding any general or special election, during which period such books shall be closed. No person who has once registered in the City need reregister, unless he, or she, changes his, or her, place of residence from one voting precinct to another, in the event there shall be more than one voting precinct in the city. When a voter shall change his place of residence from one precinct to another in the City the Auditor and Police Judge shall, upon application of such voter, note the change of residence on said registration books up to the day preceding any general or special election in the City. The Auditor and Police Judge shall send to the several voting precincts (if more than one in the City) its precinct registers in due time to be used by the judges and clerks at each election held under this Charter.

AMENDED MAY 18, 1934

Time of Voting

Section 7. All elections, general or special, in the City of Warrenton shall commence at eight o'clock in the morning and continue until eight o'clock in the evening of the same day, without closing the polls. If any judge or clerk fails to attend and serve at the opening of the polls the judges of election may appoint another in his place. If all the judges fail to attend, the legal voters present at any polling place may appoint others in their stead.

Preferential System of Voting. Ballots

Section 8. The Auditor and Police Judge shall cause ballots for general and special elections to be prepared, printed and authenticated. The ballots shall contain a complete list of offices to be filled and the names of the candidates nominated therefor. When the number of candidates is more than the number of offices to be filled, each voter shall have the right to vote for as many first choice candidates as there are offices to be filled, and may have second or third choice candidates when it becomes necessary by reason of the number of candidates, to obtain a majority election. The form of ballot shall be substantially as follows:

AMENDED MAY 18, 1934

"GENERAL (OR SPECIAL) MUNICIPAL ELECTION"
CITY OF WARRENTON
(Insert date of Election)

Instructions:—To vote for any person make a cross (X) in a square to the right of the name. Vote your first choice in the first column; your second choice in the second column and your third choice in the third

column. Do not vote more than one choice for any one candidate. All distinguishing marks make the ballot void. If you wrongly mark, tear or deface ballot, return it and obtain another from the election officers. If any voter shall vote more than one choice for any one candidate the vote highest in grade shall be counted and others rejected.

COMMISSIONERS | First Choice | Second Choice | Third Choice
Names of Candidates

AMENDED MAY 18, 1934

Requirements of Ballots

Section 9. All official ballots used at any election shall be identical in form and of white paper, and space shall be provided on the ballot for charter amendments or other questions to be voted upon at such municipal election. The name of candidates shall be arranged on the ballot in the order in which the nominating petitions were filed; nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any party or political designation or mark, (but words not exceeding twelve indicating his views on strictly municipal questions or issues may be). Sample ballots upon paper of different color, but otherwise identical with the ballot to be used at the election, shall be in the office of Auditor and Police Judge for general distribution prior to election day and be had at the polls for use of registered voters on the day of election.

Nominations

Section 10. All general municipal elections shall be held in accordance with the general election laws then in force in the State of Oregon, or any amendments thereof, except as in this Charter otherwise provided. And provided, that certificates of nominations made by individual electors shall be signed by not less than ten (10) per cent. of the total number of electors voting at the last preceding city election, and provided further, that all certificates of nominations shall be filed with the Auditor and Police Judge of the City of Warrenton not less than ten (10) days before the day fixed by law for said election.

Qualifications of Judges and Clerks

Section 11. Judges and clerks of election shall possess the qualifications of voters of the precincts in which they reside, but a mistake or error in this respect or failure to give notice for the full time required herein shall not invalidate any election otherwise legal.

Election Canvass

Section 12. On or before two (2) days after the election the returns thereof shall be filed with the Auditor and Police Judge and on the fourth day after the election, or sooner if the returns of all the voting precincts are in, the Auditor and Police Judge shall call to his assistance two electors, who are not candidates for election to any city office, and they shall canvass the returns of the election.

Section 12—A. Should the board of canvassers find that any candidate has received a majority of all first choice votes cast, he shall be declared elected. If no candidate has received a majority of all first choice votes cast, they shall then add the first and second choice votes; should any candidate receive a majority of first and second choice votes cast, he shall be declared elected; should no candidate receive a majority of first and second choice votes cast, then the third choice votes shall be added to the first and second choice and the candidate receiving the highest number of first, second and third choice votes shall be declared elected.

AMENDED MAY 18, 1934

Statement of Return

Section 13. A written statement of the canvass of the vote at any City election shall be made and signed by the canvassers or a majority of them and filed with the Auditor and Police Judge within the time appointed to complete the canvass, and said statement shall be entered by the

Auditor and Police Judge in the proper records of said City, to be kept for such purpose. Such written statement must contain the whole number of votes cast at such election; the number given for each person for any office, and the names of the persons and the offices to which they were elected, and also, the number of votes cast for or against any measure submitted by the Commission at such election.

Certificates of Election

Section 14. Immediately after the completion of the canvass, the Auditor and Police Judge must make and sign a certificate of election for each person declared thereby to be elected and deliver the same to him on demand; and also shall make and sign a certificate of the result of any initiatory or referendum measure, and declare whether the same was carried or defeated, and deliver said certificate to the Commissioners forthwith.

Section 15. A certificate of election is prima facia evidence of the facts therein stated and in case of a contest between two persons claiming to be elected to the same office, the right to the office shall be determined by an action at law in the same manner as contested elections to any county office, are determined. In case of a tie vote for candidates for the same office, the right to the office shall be decided by casting lots.

Oath of Office

Section 16. Every person elected or appointed to office under this Charter, before entering upon the discharge of his duties as such officer, shall qualify by taking and filing with the said Auditor and Police Judge an oath of office in the following form: "I....., do solemnly swear that I will support the Constitution of the United States and of the State of Oregon, and that I will to the best of my ability faithfully perform the duties of the office of ..... of the City of Warrenton, during my incumbency thereof." And he shall execute and deliver to the Auditor and Police Judge of the City of Warrenton, whenever required by Ordinance or Resolution, a bond conditioned as may be required by this Charter, or the Commission, and in such sum as it may require for the faithful performance of the duties of his office, with good and sufficient surety or sureties to be approved by the Commission. A bond given with a competent surety company may be accepted.

State Laws. When May Govern

Section 17. All laws of the State of Oregon regulating and governing general elections and proceedings and matters incidental thereto shall so far as applicable govern herein except as otherwise provided by this Charter.

Section 18. The first three Commissioners to serve under this Charter shall be elected at a special election to be called by the Common Council of the City of Warrenton and held during the month of November or December 1922 and for the purpose of such special election, or any other special election that said Council may deem proper to be called and held prior to January 2, 1923, the Common Council shall perform the duties set forth in Sections three (3) to eighteen (18), both inclusive, of this Chapter which are therein prescribed to be performed by the Commission. In other words, for the purpose of any special election that is to be held in the said City of Warrenton after the adoption of this Charter and prior to January 2, 1923, the words "Common Council" shall be substituted for the word "Commission" wherever the latter may appear in said Sections 3 to 18, both inclusive, of this Chapter.

CHAPTER IV

OF VACANCIES IN OFFICE

When Vacant, Leave of Absence

Section 1. All of the appointive offices shall be deemed vacant whenever the incumbent thereof shall be absent from the City for three (3) days or by death or resignation or upon his ceasing to possess the qualifications required, provided, however, that the Commission may grant leave of ab-

sence to any member of the Commission or to the Manager for a period not exceeding sixty (60) days at one time; and the Manager may grant leave of absence to any other officer of the City appointed by him, for a period not exceeding thirty (30) days at any one time, provided no officer shall draw compensation while so absent, unless absent on the city's business.

SECTION 1-B ADDED MAY 18, 1934

Acting Officers

Section 1—A. During the temporary absence or inability to act on the part of the Manager, the Commission by resolution may appoint some qualified person as acting Manager until such absence or inability shall be removed. Such acting Manager shall have all the power and authority during such period, that the regular officer has; and in the absence or inability of any other officer of the City, the Manager may, at his option, appoint some other qualified person to so act in the place of such officer; and with like authority, and he shall file such temporary appointment with the Auditor and Police Judge; and in each case such temporary appointee shall take the oath of office as in the case of the regular appointee. But in no case shall the regular officer receive any salary while his temporary substitute performs the duties of his office, unless the regular officer be absent on the City's business. The temporary substitute shall receive such compensation as the Commission shall determine.

Time of Appointee to Qualify

Section 2. An officer appointed to any office, including an appointee to fill a vacancy, must within two (2) days from the date of such appointment qualify therefor or he shall be deemed to have declined the appointment, and another appointment shall be made as provided for by this Charter.

CHAPTER V
OF THE COMMISSION

Qualifications

Section 1. No person is eligible to the office of Commissioner who, at the time of his election is not a resident and legal voter of the City of Warrenton and entitled to the privilege of an elector, according to the Constitution and laws of the State of Oregon, and who has not resided in the City of Warrenton for one year immediately next preceding his election. Before entering upon his duties, he must take and file with the Auditor and Police Judge an oath of office.

Term of Office

Section 2. There shall be elected one Commissioner each year at the annual election, who shall hold office for a term of three years, and until his successor shall be elected and qualified; and he shall commence his term of office on the second day of January after his election in November preceding, unless the same shall fall on a legal holiday when his term shall commence the next day; Provided that the terms of the three Commissioners first elected to serve under this Charter shall be determined, respectively, as follows: the candidate receiving the highest number of votes at the special election at which the first Commissioners are chosen under this Charter, shall hold office for the period of three (3) years; the candidate receiving the next highest number of votes at such election shall hold office for the period of two (2) years; and the candidate receiving the next highest number of votes at such election shall hold office for the period of one (1) year.

AMENDED MARCH 9, 1937

Organization of Commission

Section 3. The Commissioners shall elect one of their number Chairman, at their first meeting in January, who shall be designated and known as the Mayor of the City of Warrenton. In case of vacancy as Chairman, such vacancy may be filled at any time by them. He shall preside at all meetings of the Commission, provided, that in his absence or inability to act then the Commissioners shall choose a chairman pro tem, from among their number. The Chairman, or the Chairman pro tem., as such Mayor

of the City of Warrenton shall approve and sign all rules, contracts, resolutions and ordinances adopted by the commission in the manner hereinafter described. The term of such Chairman shall end with the year in which he is elected.

Compensations.

Section 4. The Commission shall hold a regular meeting once every two weeks, or fortnightly, and for each regular meeting actually attended by him each Commissioner shall receive not more than $5.00 for his services.

Vacancies.

Section 5. The office of Commissioner shall be deemed vacant upon the death or resignation of the incumbent or upon his ceasing to possess the qualifications of an elector or upon absenting himself from the City for a period of Thirty (30) days, unless granted a leave of absence, or if he shall fail to attend three successive regular meetings of the Commission, unless excused by the Commission. A vacancy in the office of Commissioner shall be filled by election by the remaining Commissioners within thirty (30) days after the vacancy occurs, and if said Commissioners shall fail to fill said vacancy during said thirty (30) days, the Auditor and Police Judge of the City of Warrenton shall call a special election within twenty (20) days thereafter, giving notice in the manner provided for the holding of a general City election and the judges and clerks of election appointed for the last preceding election shall be the judges and clerks for such special election, provided that vacancies in the judges and clerks of election shall be filled in the manner prescribed for a general City election. At said special election a new Commissioner shall be elected to fill said vacancy; provided further, that if a vacancy in the office of Commissioner occurs within two months immediately preceding the time of a general City election, not filled by the remaining Commissioners, then the vacancy shall not be filled until such regular City election; provided that any Commissioner so appointed or elected at a special election, to fill such vacancy, shall hold office until the next general election and qualification of his successor, who shall be elected to fill the unexpired term.

AMENDED MARCH 9, 1925

Meetings

Section 6. The Commission must provide the time and place of its regular meetings from which it may adjourn to the next succeeding regular meeting, or to some specified time prior thereto, which adjourned meeting will be deemed to be a continuation meeting. Special meetings of the Commission may be called by the Chairman, or the other two members of the Commission, at any time upon not less than six hours' notice before such meeting by personal service upon members of the Commission, and said notice shall state the purpose of such special meeting.

Quorum; Compelling Attendance

Section 7. A majority of the Commission shall constitute a quorum to do business, but a less number can appear and adjourn from time to time. The Commission, or any one of them, can compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance.

AMENDED MARCH 9, 1925

Rules and Records

Section 8. The Commission may adopt rules for the government of its members and its proceedings. It must keep a journal of its proceedings, and upon the call of any Commissioner must cause the yeas and nays to be taken and entered in its journal upon any question before it. Its deliberations and proceedings must be public. It shall provide a separate record for the minutes, and a separate record for the ordinances and a separate record for resolutions. Ordinances and resolutions may be refered to in the minutes by appropriate number. The minutes, ordinances and resolutions should be speedily recorded and the records thereof indexed and cross-indexed so as to render the same conveniently accessible to the

public. The concurrence of any two members of the Commission is necessary, and sufficient vote to determine any question or matter under consideration by the Commission.

Annual Meeting

Section 9. On the second day of January, unless a legal holiday, then the next day, following any general City election, and also, following the first election under this charter, there must be a regular annual meeting of the Commission, and such meeting is designated and appointed by this Charter, and no notice thereof is necessary.

General Duties

Section 10. It shall be the duty of the Commission, to enact such ordinances, and they may repeal such ordinances as shall be required by the public good, take care that the business character and ability of the Manager is sufficient to enforce the municipal law, perform his duties and services for the best interest and welfare of the municipal government, and in a careful, prudent and business-like manner, and the Commissioners shall be responsible to the City for the strict and efficient performance of his duties. They shall at each regular meeting investigate all matters of importance to the City coming to their attention, either by observation or by report; listen to petitions, grievances and suggestions which may properly be presented to them; obtain from the Manager fortnightly reports and act upon them; take and approve all official undertakings which this Charter or the ordinances of the City may require; require any officer to file security for the faithful performance of his duties; and the Auditor and Police Judge shall endorse the approval of the Commission upon such undertaking, together with a reference to the book and page of the minutes where the approval is found, and attach his signature thereto; and the Commission shall by ordinance limit and fix the salaries and compensation of all officers provided for by this Charter; provided, the salary of the Manager shall not exceed thirty-six hundred dollars ($3600.00) per annum; and the Commission shall perform such other duties and in the manner as may be prescribed by this Charter.

CHAPTER VI
POWERS OF THE COMMISSION

The Commission of the City of Warrenton has full power and authority within the City of Warrenton, as follows:

General Levy

Section 1. To levy taxes for general municipal purposes upon all property, both real and personal within its corporate limits, which is taxable by law for state and county purposes, subject to the general laws of Oregon regarding taxation and the approval by voters at tax budget meetings.

Special Levy

Section 2. To levy a special tax upon all the property assessed by authority of Section 1, last above, for any specific object, including special road taxes, sinking fund tax, interest fund tax, library tax, or any other specific purpose, within the powers of this Municipal Corporation, including the payment of any debt, but the ordinance providing therefor must specify the object and purpose thereof.

The City May Be Bonded

Section 3. To provide for the issuance of negotiable coupon bonds of the City for any specific purpose, and to designate the manner and time for the payment thereof and the interest thereon.

How the City May be Bonded

Section 4. Whenever the City of Warrenton shall contemplate the issuance of negotiable coupon bonds for any public purpose under this Charter, except for public improvements where the cost thereof is to be assessed to the property specially benefitted, the Commission shall by ordinance or resolution, direct the manner in which the estimate of the cost of the pro-

posed public improvement shall be ascertained, and such estimate shall be filed with the Auditor and Police Judge before any bonded indebtedness shall be incurred for such purpose. Thereupon, the Commission shall cause the question of the creation of such indebtedness by the issue of the negotiable coupon bonds of the City, to be submitted to a vote of the electors of the City at any regular election for municipal officers, or at a special election to be called by the Commission for such purpose. Such special election shall be called and held under the same procedure, as nearly as may be, as in the case of a general municipal election. The ballot used at such election shall have printed thereon the question submitted, including the amount of the proposed bonds to be issued, and the words, "Bonds—Yes," and "Bonds—No," and each person voting shall mark a cross (X) opposite the words "Bonds—Yes," or "Bonds—No," as he favors or opposes the issuance of bonds. If at such election a majority of the legal votes cast shall be in favor of incurring the indebtedness and issuing such bonds, then such indebtedness, to the amount authorized by the voters, or so much thereof as may be necessary, may be incurred by the issuance of such bonds. When bonds have been authorized as aforesaid, the Commission shall, by ordinance, prescribe the bond forms and provide for the issuance of the same.

Said bonds shall be in the denomination of one hundred dollars, ($100.00) each, or any multiple thereof up to one thousand dollars, ($1000.00) each. Said bonds shall bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually, and the principal and interest shall be payable at such place as the ordinance prescribing the bond forms shall designate. The bonds shall be signed by the Mayor of the City of Warrenton, and attested by the Auditor and Police Judge of the City under the seal thereof. Said bonds, when executed, shall be placed in the hands of the Auditor and Police Judge, who shall register the same in a book kept for that purpose by entering therein the number and amount of each bond, the date of issue, the date of maturity and the place where payable.

Provided, however, this section shall not apply to the issuance of bonds upon the application of persons whose property has been taxed for local improvements and the assessment thereof made payable in installments, as hereafter in this Charter provided.

Funding and Refunding Bonds

Section 4—A. The Commission shall submit all ordinances and resolutions for the funding, refunding, purchase or redemption of any outstanding indebtedness of the City, when the same may be done to the profit and benefit of the City, to the vote of the electors of the City, at a general or special election called for that purpose, as in the case of voting for bonds, provided for in last section. The ballot used in such election shall have printed thereon a brief statement of the question to be voted upon, including the amount proposed to be funded, refunded, purchased or redeemed, as the case may be, and the words, "Funding, Indebtedness—Yes," "Funding Indebtedness—No." "Refunding Bonds—Yes," "Refunding Bonds—No," and in like manner, the words for the purchase or redemption of the indebtedness of the City, as the voter may favor or oppose such measure. For such purpose funding or refunding negotiable coupon bonds may issue upon the same being authorized by majority vote of the electors at said election being favorable thereto.

Such funding or refunding bonds shall be in such form as may be prescribed by ordinance, shall be signed by the Mayor of the City of Warrenton, and attested by the Auditor and Police Judge, under the seal of the City, shall mature not more than twenty (20) years after date; shall be of the denomination of $100.00 each of any multiple thereof not exceeding $1000.00, and shall bear interest not exceeding 6 percent per annum, payable semi-annually at such place as the ordinance prescribing the bond

shall designate. All such funding or refunding bonds may be exchanged dollar for dollar for the indebtedness to be funded or refunded, or they may be sold as directed by the Commission, and the proceeds thereof, shall be applied only to the purpose for which the bonds are issued. Prior to the issue, all of such funding or refunding bonds shall be registered by the Auditor and Police Judge in a book kept for that purpose, entering therein the number and amount of such bonds, the date of issue, the date of maturity and the place where payable.

License on Callings and Amusements.

Section 5. To license, tax and regulate brokers, auctioneers, taverns, hawkers, peddlers, pawnbrokers, wash-houses laundries bill posters, places of public amusement or entertainment, including theaters, opera-houses, exhibitions, shows and the like, hotel and restaurant keepers, and runners, dealers in second hand articles or merchandise, the keeping of billiard tables, pool tables, bowling alleys, shooting galleries for profit, and such other business and professional callings as the public good may require to be licensed, taxed or regulated, and as are not otherwise prohibited by law; and for the purpose of this charter, to define and declare what constitutes any such professions and callings or places of amusement or entertainment.

Teams and Transfer License.

Section 6. To license, tax and regulate aeroplanes, hydroplanes, garages, automobiles and other vehicles used for the transportation of persons or passengers, of goods, wares or merchandise, earth, rock, building materials or other articles, for compensation within the limits of the City, and to prescribe the rates to be charged for such transportation.

Offensive Callings

Section 7. To prohibit the manufacture of or dealing in spirituous, vinous or malt liquors, and decide what consttutes spirtuous, vinous and malt liquors; the keeping of bar rooms, drinking shops or places where such liquors are kept for sale or in any manner disposed of, and the sale or disposal thereof; to prohibit all offensive or dangerous trades, employments or business; and for the purposes of this charter, to define and declare who is a keeper of a bar room, drinking shop, or place where spirituous, vinous or malt liquors are sold or disposed of, and what is a bar room, drinking shop or place where spirituous, vinous or malt liquors are sold or disposed of and what are such offensive or dangerous trades, employments or businesses, but this section does not empower the City of Warrenton to declare a trade, employment or business offensive or dangerous contrary to the common understanding of the subject; nor to authorize anyone to do any act or engage in any business contrary to the law of the land.

Jails and Other Public Buildings.

Section 8. To purchase sites for public purposes ,and provide for the erection of city halls, jails, houses of correction, work-houses and any other public buildings, and for the government and management of the same.

Selling Property for Taxes.

Section 9. To purchase, take and hold real property when sold for delinquent taxes or assessments levied or imposed under the authority of the City of Warrenton, or the County of Clatsop, State of Oregon, or of any other municipal corporation therein, and to sell such property.

Special Assessment; Bonding Property Therefor.

Section 10.—(a) To provide for the opening, grading, macadamizing, paving and otherwise improving the streets and alleys of the City and to assess the cost thereof to the property specially benefiited thereby.

(b) To provide a general sewerage system, and water system, for the City, the laying of the necessary mains and laterals therefor, and to assess the cost thereof to the property specially benefited thereby: provided that no such assessement in any of said cases shall exceed in amount fifty (50)

AMENDED MARCH 1, 1923

per cent of the valuation of the property assessed, as shown on the last preceding county assessment roll.

The manner in which all public improvements shall be made, and the cost thereof assessed to the property specially benefited thereby as provided for by this chapter and other provisions of this Charter shall be as follows:

First: The Commission shall create by resolution an Improvement District and fix the boundaries thereof, which shall include therein all property to be affected or benefited thereby.

Second: The Commission shall then cause plans and specifications for the proposed improvements to be prepared and submitted to them for consideration with the estimated cost thereof. Said plans and specifications may be standard plans and specifications or special ones for the particular improvements contemplated. Said plans and specifications shall thereafter be adopted.

Third: The Commission shall appoint two of their number as a Committee on Estimates and said committee shall examine all property affected by such improvement and upon which local assessments are to be levied as to the extent and valuation, if any, of the special benefits to be derived by said property by reason of the improvment.

Said committee shall then report their findings in writing to the Commission. Said report shall contain the following:

(A) The boundaries of the district to be affected or benefited by such improvement.

(B) A general statement as to the character of the improvements, and refer to the plans and specifications theretofore adopted for the specific improvement, or to the standard plans and specifications, as the case may be.

(C) A general statement of their findings as to whether or not the property within the improvement district will be benefited.

(D) The estimated total cost of the proposed improvement.

(E) The description of each lot or parcel of land and the estimated proportion of the cost of the improvement which applies against the same, together with the name of the owner or the reputed owner thereof.

The Commission shall then consider the said report and may enlarge or diminish the improvement district, alter the amount or change the character of the improvement or the plans and specifications thereof, amend, alter, modify or change the report of the Committee on Estimates and adopt the same in whole, or any part thereof, either in the original, enlarged, diminished, changed, altered, modified or amended condition.

Fourth: After the Commission has created the appropriate improvement district, adopted plans and specifications, general or special, appointed a Committee on Estimates, received their report and acted upon the same and approved the same, the Commission shall fix a time and place when the Commission will meet, hear and determine objections, remonstrances and claims of grievance of persons interested therein and direct the Auditor and Police Judge to prepare and serve a notice to all whom it may concern of the intention of the Commission to make the improvements mentioned in the proceedings and such notice shall contain, among other things the following:

(A) The boundaries of the improvement district to be improved or benefited as finally adopted by the Commission, including lots and blocks by number if the property is platted.

(B) A description, generally, of the improvements so proposed, referring to the plans and specification adopted therefor.

(C) The time and place when the Commission will meet to hear and determine all objections, remonstrances and claims of grievance, of any person interested.

(D) The date issued and the signature of the Auditor and Police Judge.

The notice hereinabove provided for shall be served by publication of the same once each week for two weeks prior to the date fixed for such hearing, in a newspaper having general circulation in said City, County and State, or by posting a copy of such notice on the bulletin board at the City Hall of said City at least two weeks prior to the date set for the hearing and the proof of such service shall be made by the certificate of the Auditor and Police Judge filed, having attached thereto the affidavit of the printer, or his foreman, or the publisher of the newspaper publishing such notice or in case of posting the affidavit, of the person posting such notice.

Fifth: The Commission in its discretion may adjourn said hearing until a later date, but no later than thirty (30) days thereafter. At the time and place fixed for said hearing, or any adjournment thereof, the Commission shall hear and determine objections remonstrances and claims of grievance of any person interested in said improvement. After a substantial compliance with the foregoing requirements the Commission shall be deemed to have acquired jurisdiction to make such improvement, provided that if the owners of fifty-five (55) percent of the property to be assessed to pay for said improvement, measured by the front foot, object to said improvement, a vote of all three of the Commissioners in favor of the improvement must be had and recorded in order to overrule such remonstrance, and give the Commission jurisdiction to make the improvement. Jurisdiction once obtained shall be deemed continuing jurisdiction to make assessments or reassessments as hereinafter provided.

Sixth: The Commission shall then advertise for bids for the making of such improvement and shall let the contract for such improvement to the lowest responsible bidder; provided no patented material used in a contract shall be so designated as to prevent competition or the consideration of other material equally as good; provided, that the contractor or contractors shall expressly agree in the contract entered into for making such improvement, that he or they will accept at par the improvement bonds issued by the City to pay for such improvement in payment therefor, and that he or they will look alone to the property assessed as specially benefited by such improvement for the payment of the contract price of said improvement and the special improvement bonds taken in payment thereof, including interest as well as principal.

Seventh: When said improvement is completed and accepted the Commission shall direct the City Engineer to prepare a statement of the entire cost of the same, together with a description of the property benefited thereby and the names of the owners, or reputed owners thereof, as described in the report of the Committee on Estimates, as adopted by the Commission; he shall include in the cost of said improvement the contract price thereof, the expense of advertising, engineering, and interest, if any, upon improvement fund warrants drawn in partial or full payment of the contract price, as the case may be, and all other additional expense which the city has incurred by reason of the improvement; and any person interested shall be heard thereon, and said statement and objections thereto, if any, shall be considered and determined by the Commission and adjusted as they may think proper. The Commission shall have power, by appropriate summary proceedings to correct any clerical error appearing therein.

Eighth: Said assessment shall be declared, the assessment roll provided for, and the time and manner of collection of said assessment fixed, by ordinance. All special assessments to cover the cost of any public improvement herein authorized, shall be levied and assessed upon, and equitably apportioned among all blocks, lots, parts of blocks and lots, lands and real estate included within the boundaries of the improvement district created for such public improvement to the extent of and in proportion to the benefits to such blocks, lots, parts of blocks and lots, and real estate, by reason of such improvements; such assessment to be adjusted and proportioned in a uniform manner.

Nothing herein contained shall be construed to exempt any street railway, or other railway company, from keeping every portion of every street, alley and revenue used by it, upon and across which its tracks shall be constructed at or near the grade of such streets in good and safe condition for public travel, but it shall keep the same planked, paved, macadamized, or otherwise in such condition for public travel as the Commission of said City may from time to time direct. The portions of the streets and alleys to be kept and maintained by all such street railways or railway companies shall include all the space between different rails and tracks and also a space outside of the outer rail of each track of at least two feet in width, and the track herein referred to shall include not only the main track but also all side tracks, crossings and turnouts constructed for the use of such street railway or other railway. Special assessments made and levied to defray the cost and expense of any work or improvement contemplated by the provisions of this section, and re-assessments therefor, and the cost of the collection thereof, shall constitute a lien upon and against the property upon which said assessment shall be made and levied, from and after the date of the ordinance declaring and confirming the said assessment or reassessment, and shall be collected in the manner prescribed by this Charter and the ordinance declaring and confirming the assessment or reassessment. When the cost of any public improvement shall have been assessed to the property benefited thereby, the Auditor and Police Judge of the City of Warrenton shall enter in a docket to be kept for that purpose and known and designated as the Bond Lien Docket, under separate heads for each public improvement by number or name a description of each lot or parcel of land or other property against which such assessment is made or which bears, or is chargable with the cost of such improvement, with the name of the owner and the amount of such unpaid assessment. Such docket shall stand thereafter as a lien docket as for assessments and taxes assessed and levied for the City of Warrentton, and for the amounts of such unpaid assessments therein, docketd, with interest on said unpaid assessments at the rate of six (6) per cent per annum against each such lots or parcels of land or other property until such assessments and interest are paid in the manner hereinafter provided; and all unpaid assessments and interest shall be and remain a lien on each lot or parcel of land or other property respectively, in favor of said City of Warrenton and such liens shall have priority over all other liens and incumbrances whatsoever. When such Bond Lien Docket shall be made up as heremhefore provided as to the assessments for any public improvement, the Commission of the City of Warrenton shall by ordinance, authorize the issue of improvement Bonds of the City of Warrenton in convenient denominations not exceeding five hundred dollars ($500.00) each, and in all equal to the total amount of unpaid assessments for such public improvement, and such bonds shall by the terms thereof, mature in ten (10) years from the date thereof and be payable in gold coin of the United States and bear interest not to exceed six (6) per cent per annum, interest payable semi-annually, said interest to be evidenced by coupons, attached to said bonds; provided, the right to take up and cancel such bond or bonds upon the payment of the face value thereof with accrued interest to the date of payment, at any semi-annual coupon period at, or after one year from the date of such bond or bonds, shall be, and hereby is, vested in the City of Warrenton, issuing such bond or bonds. Notice that certain bonds are to be taken up and cancelled as aforesaid and that the interest thereon shall cease at the interest payment period next following shall be published in a newspaper of general circulation in the City of Warrenton, County of Clatsop, State of Oregon, not less than twice during the month preceding said semi-annual period; and after said semi-annual period, interest upon the bonds designated in such notice shall cease. Such bonds, before issuance, shall be signed by the Mayor of the City of Warenton and

countersigned by the Auditor and Police Judge of said City and authenticated by the seal of the City attached thereto, and shall be registered consecutively by number and denomination of each, in a book to be kept by the Auditor and Police Judge of the City of Warrenton, to be known and designated as the "Improvement Bond Register."

Each of such bonds issued for public improvements shall have distinctly and plainly inscribed or printed on the face thereof the registered number of said bond and the words "Improvement Bond, District Number....., created ..... 19....." with the name of the City of Warrenton issuing the same. Such bonds shall be advertised for sale and sold for the highest price obtainable, if deemed desirable by the Commission; and the proceeds thereof shall be paid by the purchaser to the Treasurer of the City of Warrenton, and credited to the respective public improvement funds for which said bonds are issued, provided, that said bonds may be delivered by the City to the contractor in payment, at par, upon the contract for the improvement for which such bonds are issued.

Thereafter there shall be due and payable annually for ten (10) successive years, to the Treasurer of the City, by the owner of each lot, parcel of land, or other property assessed for such public improvement, ten (10) per cent of the cost of such public improvement assessed against the property of such owner as appears by the bond lien docket hereinabove described. Interest shall be due and payable semi-annually at six (6) per cent per annum on all unpaid assessments or installments. The first installment aforesaid shall be due and payable at the expiration of one year from the date of said assessment in the bond lien docket, and subsequent installments at the expiration of each year thereafter. Should such owner or owners neglect or refuse to pay the sum or sums aforesaid, as the same shall become due and payable, for a period of twenty (20) days then the same shall be collected in the same manner and with the same penalties as delinquent public improvement assessmnts are paid and collected in the City of Warrenton. It shall be the duty of the City Auditor and Police Judge of Warrenton, when the installments and interest on any assessments in the Bond Lien Docket are due, to make the proper extensions of such installments and interest on said Lien Docket to notify the owner or owners of property, that the installments aforesaid are due and payable, but a failure of such owner or owners to receive such notice shall not be taken or held to prevent the collection of the same as herein provided.

The Auditor and Police Judge of said City shall issue a receipt to the person or persons paying said installments and he shall make the proper entries on said Bond Lien Docket, showing the amount of each payment and the date thereof, provided, however, that at any time after issuance of such bonds, any owner, at the time being, of any such lot or parcel of land or other property against which such assessment is made and lien docketed, may pay into the Auditor and Police Judge of the City of Warrenton the whole amount of such assessment for which such lien is docketed, together with the full amount of interest and costs accrued thereon to such date of payment and such Auditor and Police Judge shall enter in such lien Docket opposite the entry of the lien therein, the fact of such payment, and the date thereof, and that the lien therein is discharged.

The Treasurer of the City of Warrenton and the Auditor and Police Judge receiving any funds accruing by virtue of this section of the Charter shall keep such funds and the amount thereof separate and apart from other funds of such City in a separate fund for each Improvement District, specifically naming the same by number, name of the district, and date of its creation. The amount of such funds paid on account of installments, and interest on unpaid installments, shall be placed to the credit of the proper fund, to be known and designated as Improvement Bond Sinking Fund for the specific Improvement District naming the same.

Entries of payments of installment, interest and cost made under the

provisions of this section of the Charter shall be made in the Bond Lien Docket as aforesaid, as the same shall be received, with date thereof, and such payments made and entered in said Bond Lien Docket shall be and operate as a discharge of such lien to the amount of such payment and from the date thereof.

No obligation incurred by the City of Warrenton by virtue of this section of the Charter shall be deemed or taken to be within or any part of, the limitation by law as to the indebtedness of the City of Warrenton.

At any time after the bonds, which may be issued by virtue of this section of the Charter, shall become payable, the City of Warrenton may redeem such bonds, and to that end shall redeem the same, consecutively by number of such bonds, commencing with Number one (1) of such bonds and shall give notice of the readiness of such City to redeem, by publication in some newspaper having a general circulation in the City of Warrenton, once a week for two successive weeks, giving therein the number of the bonds which will be redeemed and the time at which such redemption will be made; and after such time so fixed for redemption, no interest shall accrue or become payable on such bonds so notified for redemption.

District Improvement funds shall not only be kept by the City Treasurer and Auditor and Police Judge in a separate fund and denominated as aforesaid, but such funds shall never be applied to any purpose other than the payment of the cost and expenses of the particular improvement for which said funds were assessed and levied, and to pay the principal and interest in the redemption of the bonds and coupons iussued for such improvement, until all the costs and expenses, including the principal of all bonds, and interest thereon, have been fully paid and satisfied, and said bonds retired and cancelled. Should any surplus remain in any special fund herein provided for, after the payment of the cost of the improvement and the bonds issued therefor, including interest, then such surplus shall be diverted and placed in the general funds of the City.

Whenever an assessment for the opening, altering, grading, paving or improving of any street or alley or the construction, re-construction or repair of any sewer, water drain, or water pipeline or lateral, ditch or conduit, or any kind of local improvement has been or may hereafter be made by the City of Warrenton upon or against the property abutting upon, contiguous or adjacent or tributary to or benefited by such improvement and such assessment or any part thereof has been or shall hereafter be set aside, annulled, declared or held void or its enforcement refused or enjoined by any Court of this State or any Court of the United States having jurisdiction therein, whether directly or by virtue of any decision of such Court or when the Commission of the City of Warrenton shall be in doubt as to the validity of such assessment or any part thereof, the Commission of said City may, by ordinance, make a new assessment or reassessment upon the lots, blocks or parcels of land which have been benefited, or may be benefited by such improvement. Such assessment or reassessment shall be based upon the special benefits of such improvement to the respective lots, blocks or parcels of land assessed or re-assessed at the time of its original making but shall not exceed the amount of such original assessment with interest thereon from date of the delinquency of the original assessment which may be added at the discretion of the Commission.

Such re-assessment shall be made in an equitable manner as nearly as may be in accordance with the law in force at the time it is made but the Commission may adopt a different plan of apportionment of benefits, when in their judgment, essential to secure an equitable re-assessment.

The proceedings required by this Charter to be had prior to the making of the original assessment shall not be required to be taken or had within the intent of this Section. Any such reassessment shall be made and shall become a charge upon the property upon which the same is levied notwithstanding the omission, failure or neglect of any officer, body or

person to comply with the provisions of this Charter connected with or relating to such improvement and original assessment and notwithstanding the proceedings of the Commission or any officer of the City or contractor or other person connected with such work or improvement may have been irregular or defective, whether such irregularity or defect be jurisdictional or otherwise. The Commission shall by resolution declare the district that has been or will be benefited by the improvement for which the reassessment is to be or shall be made, and shall direct the Auditor and Police Judge or City Engineer within a time to be fixed by said Resolution to prepare a preliminary reassessment upon the property included therein which has or will be benefited by such improvment, and shall in such preliminary reassessment give the description of the property assessed together with the name of the owners respectively of such property. After the passage of such resolution, the Auditor and Police Judge of the City shall as soon thereafter as such reassessment is prepared, give notice to all whom it may concern by publication once each week for two consecutive week in a newspaper of general circulation in said City, that such preliminary reassessment is on file in his office; giving the date of the passage of the resolution directing the making of the same and giving the time at which the Commission will hear and consider objections to such reassessment by parties aggrieved thereby, provided, however, that the notice hereinabove provided for may be made by posting a copy thereof on the bulletin board at the City Hall in said City for at least two weeks prior to the time set for hearing objections to such reassessment.

The owner or owners of any property which is assessed on such reassessment, or any person having an interet therein may, before the time for the hearing upon such reassessment, file with the Auditor and Police Judge of the City, in writing, their objections to such reassessment. At the time appointed in such notice, the Commission shall hear and determine all objections which have been filed in writing by any party interested. The Commission may adjourn such hearing from time to time and may, in its discretion, revise and correct or set aside and order the remaking of such reassessment, and shall pass an ordinance approving and confirming such reassessment, as corrected or remade by it, and such decision shall be final determination of the regularity, validity and correctness of such reassessment, except as herein otherwise provided. When said reassessment is completed and confirmed, it shall be entered in the docket of City Liens and shall be enforced and collected in the same manner that other assessments for local improvements are enforced and collected under this Charter and the laws governing the City. All sums paid upon an assessment for which a reassessment shall be made, shall be credited to the property on account of which the same were paid, as of the date of such payment. No such proceedings shall be instituted for any reassessment under the provisions of this section unless the proceedings for such reassessment are commenced within ten (10) years from the passage of the Resolution of intention for the making of the original improvement or repair. No reassessment shall be held invalid for any mistake, omission or error in stating the name of the owner of the property so reassessed, provided the property reassessed is correctly described. Property of a deceased person, which is in process of administration in the State of Oregon may be assessed, or reassessed in the name of the estate of the deceased owner, and any administrator or executor in charge of any property so assessed or reassessed shall, for the purposes of notice and such assessment or reassessment be considered the owner thereof. No actions, suits or other proceedings pending at the time of the enactment of this Charter brought under or depending upon the present City Charter, as amended to the date of the enactment of this Charter, or any improvement constructed under the provisions thereof, shall be in anywise affected by the repeal of the said Charter, or its amendments or omissions from this Charter, but said old

Section 10A Added By Amendment March 9, 1925

Charter and amendments thereto shall be deemed still in effect as to such actions, suits, and proceedings so pending until final determination thereof, or as to improvements made or initiated under said old Charter and its amendments until final completion thereof and the collection of all assessments made or levied under said old Charter and its amendments.

Providing, however, that reassessments hereafter made shall take effect and be valid as in this section provided, and not under the provisions of said old Charter and its amendments, and, notwithstanding any provisions of this section respecting pending actions, suits, or proceedings and such reassessment shall in no wise be affected by such provision.

Police Force

Section 11. To provide and maintain either, or both, a day and night police force. Gambling, Prostitution, Opium, Tobacco, Cigarettes.

Section 12. To suppress gaming and gambling houses, or places where any game in which chance predominates, is played for anything of value and to punish any person who engages in such game or keeps or frequents such houses; and to define what is gaming or gambling; to prevent and suppress bawdy houses, or houses of ill fame, or the leasing or letting thereof; and to define what is a bawdy house or house of ill fame; or places where fornication is practiced, and to punish any keeper, inmate, owner or lessor thereof; to prevent and suppress opium smoking houses or places kept therefor, and to punish any person who shall vend or give any opium or other habit forming drugs, for the purpose of being smoked on the premises, and to punish any keeper of such house or place, or person who smokes therein, or frequent the same; to tax, regulate, license, prevent and prohibit the sale of cigarettes, cigars or any of them to minors.

Property Trespass.

Section 13. To prevent and punish trespassers upon real and personal property.

Vagrants; Obscene Literature.

Section 14. To define what shall constitute vagrancy and provide for the support, restraint, punishment or employment of vagrants and paupers; to prevent the sale, circulation or disposition of obscene literature, including books, papers, prints or pictures; and to punish any person who sells or offers for sale, or who circulates or disposes of such literature, books, papers, prints or pictures, or permits the same to be done; and to define and declare from time to time what literature, books, papers, prints or pictures are obscene within the purpose and province of this provision.

Nuisances, How Abated; Lien.

Section 15. To prevent and remove nuisances and to declare what shall constitute the same and punish persons committing, maintain or suffering nuisances, to provide the manner of their removal and to make the cost of such removal a lien upon the property where such nuisances existed; and to enter upon private property for the purpose of abating said nuisances; or to fill up or drain any lot, blocks or parcels of land where any stagnant water stands, and to declare the same to be a nuisance, and to make the cost of filling up or draining said property a lien upon the property so filled up or drained, and to provide a method by ordinance of creating lien upon said property and the collection of the same, and providing the kind and extent of notice to which the property owner may be entitled.

Fire Limits; Fire Department; Building Exits; Fire Escapes

Section 16. To define the fire limits; prohibit the erection or repair of wooden buildings within the fire limits, and to restrict and limit the height of buildings within the City; to provide for and determine the number and size of places of entrance and exit from all theaters, public halls, places of amusement, churches and other buildings used for public gatherings, and the modes of hanging doors thereat, and to require adequate fire escapes, apparatus and appliances for protection against fire to be

provided in such buildings, and to prevent and prohibit the erection of dangerous and unsafe buildings, and to cause the removal or tearing down of the same wherever situated; to create, control and regulate the fire department, to provide apparatus, officers and members therefor.

Intoxication; Fighting; Quarreling.

Section 17. To restrain and punish intoxication, fighting, quarreling and disorderly conduct, and any unlawful or indecent practice, and to define what shall constitute the same.

Guns; Bombs; Fireworks.

Section 18. To regulate or prohibit the use of guns, pistols and firearms, firecrackers, bombs or detonating works of all descriptions.

Riotous Assemblage.

Section 19. To prevent, restrain, punish or disperse any riot, or riotous or objectionable assemblage, and to define what shall constitute the same, or punish any person taking part therein.

Concealed Weapons.

Section 20. To prohibit the carrying of dangerous or concealed weapons.

Driving and Cruelty to Animals.

Section 21. To regulate the driving of animals through the streets; and to prevent or punish cruelty to animals, and to define what shall constitute such cruelty.

Impounding Animals; Killing Dogs.

Section 22. To prevent any and all domestic animals, including fowls, from running at large within the City limits, and to punish those persons who allow animals to so run at large; and to provide for the impounding of said animals, andalso to provide for the sale of such animals upon five days' notice; and to authorize the destruction of dogs when at large, contrary to the prohibition of any ordinance.

Notice; Limit Traffic; Signs; Awnings; Posts; Placards; Cripples; Beggars; Home Numbers; Naming Streets; Roaming Streets; Good Orders:

Section 23. To regulate and prevent public criers and advertising notices, the ringing of bells and playing of bands on the streets and to control and limit traffic on the streets, highways, roads, avenues and places; to regulate the use of the streets and side-walks for the use of signs, sign posts, hitching posts, awnings, posts, telegraph, telephone and electric light poles, public speaking and other purposes; to prohibit the exhibition of deformed or crippled persons, and to prohibit such and all persons from begging upon the streets or any other public places; regulate the exhibition or hanging of placards or flags in or across the streets, or from houses or other buildings, to establish from time to time such public rest or comfort stations as may be necessary; to regulate the numbering of houses and lots on the streets, public ways, and avenues, and the naming of streets and avenues; to prohibit persons from roaming the streets at unreasonable hours, and to provide for the peace and good order of the City.

Fines and Imprisonment

Section 24. To provide for the punishment of the violation of any of the ordinances of the City, by fine or imprisonment in the City jail, fine not exceeding three hundred dollars ($300.00) or imprisonment not exceeding one hundred fifty (150) days, or both, or by forfeiture as penalty, not exceeding three hundred dollars ($300.00) and by working any person sentenced to such imprisonment on the streets, parks, public squares, in work houses or houses of correction during the time thereof, and to provide for the punishment of any person sentenced to prison who shall refuse to work when ordered.

Caring For Vagrant Children.

Section 25. To provide for the care, attention, control, safe keeping and education of delinquent and dependent children, as defined by the

general laws of the State of Oregon now in force, or any amendments thereto hereafter made.

Contagious Diseases; Health; Plumbing; Steam Boilers.

Section 26. To make regulations to prevent the introduction of contagious diseases in the City, or to remove persons afflicted with such diseases therefrom to suitable hospitals, provided by the City for that purpoe, to secure the protection of persons and property therein and to provide for the health, cleanliness and ornament of the City, to regulate plumbing and drainage of buildings and the use of steam boilers and generators, and to provide for the registration of plumbers, and to make effectual such regulations as the Commission may deem expedient to pass, by providing penalties for the breach of any of the provisions thereof; to make such sanitary regulations as to the Commission may seem proper.

Markets; Slaughter and Hide Houses; Weights; Measures; and Unwholesome Foods.

Section 27. To provide for the establishment of market houses and places, and to regulate the erection and maintenance of market houses, hide houses and other like places; to regulate or prohibit the location or maintenance of slaughter houses or hide houses within the City limits or for a distance of three (3) mles without the City limts; to provide a standard of weights andmeasures; to provide for the punishment of any person giving short weights or measure and authorize an inspection of weights and measures of food, to prevent and prohibit the sale of unhealthy and unwholesome food; to provide for the office of City Weigher and Measurer and to prescribe his duties.

Constructing Sewers.

Section 28. To divide the City into convenient sewer districts and the sewer districts into sections for the purpose of local improvement and, whenever in the opinion of the Commission, it is deemed necessary for the protection of the health of said district section and City to provide for the construction of sewers, the same may be constructed within such district or section and the payment of the expenses thereof made by the levy of a special assessment in the manner heretofore provided for, district improvements upon the property which is specially benefited by reason of the construction of said sewers.

Right of Way; Sewer Connection.

Section 29. To locate and construct and ditch, canal or pipe for the conduct of water and any such drain, sewer or culvert it shall deem necessary, or convenient, and for such purpose shall have the right to enter upon any land between the terminals of such ditch, canal or pipe, or drain, sewer or culvert, for the purpose of examining, locating and surveying the line of said ditch, canal, pipe, drain, sewer, or culvert, and to appropriate as much of said land as may be necessary for the construction of said ditch, canal, sewer, pipe, drain or culvert in like manner as is provided by the laws of the State of Oregon for the condemnation and appropriation of lands or rights of way by Counties for public highways and also to appropriate and divert from its natural sources or channel for the purpose of draining or flushing any drain, sewer or culvert, any spring, or streams, or water and to regulate water and sewer connections, and to assess the cost of the right of way for said ditch, drain, sewer or culvert, as fixed by the condemnation proceedings, to the property benefited thereby.

Water Works

Section 30. To provide the City with good and wholesome water, and for the erection and construction of such water works, reservoirs pipelines and other conduits as may be necessary or convenient therefor. After the taking effect of this Charter, in the discretion of the Commission, all water mains laid or constructed in the City of Warrenton may be laid, constructed and assessed and paid for in the same manner as provided by Sections 10 and 28, Chapter VI of this Charter, with reference to the construction, as-

sessment and payment of sewers and drains in the said City, except that if all the property owners to be served by the said water main extension shall execute an agreement with the City, constantly to take and pay for the water so furnished at the rates provided therefor by the Water Department, from the date of the completion of the water main extension thenceforth, then the Commission may, in its discretion, pay the cost of constructing the said water main out of the water fund of the City of Warrenton; provided, further, that the Commission shall have the power to declare to be nuisances the water supply for domestic uses from wells, tanks, or springs, located within the district or districts served by the water mains, extensions or laterals of the water works of said City and to abate the same in the manner provided by this Charter, or any ordinance enacted thereunder.

Regulating Cesspools

Section 31. To prevent the erection or maintaining of privies or cesspools within one hundred seventy (170) feet of any street or alley or other place, in which a sewer has or may be hereafter constructed; to require under suitable penalty all persons to connect their buildings with said sewer if within a distance of one hundred seventy (170) feet of the sewer, provided, in case where blocks are more than one hundred seventy (170) feet in width, this authority shall extend to the center of the block; to condemn rights of way for the purpose of connecting with said sewers in all cases where necessary, said condemnation proceedings to be substantially the same as provided by the general laws of the State of Oregon for the appropriation and condemnation of rights of way by Counties for public highways, the just compensation or the amount allowed in a condemnation suit for said rights of way to be paid by the property owners whose duty it is to connect their property with said sewers.

Gas and Electric Lights

Section 32. To provide for lighting the streets, parks, buildings and other public places of the City, and furnishing the City with gas, electric or other lights, and for the erection, construction and maintenance of such works within or without the City limits or convenient thereto.

Minor Sidewalk Assessments

Section 33. The Commission may, by resolution, require the repair, construction, or re-construction of any sidewalk by the owner of any abuting property, and shall appoint a Committee on Estimates, consisting of two members of the Commission, who shall examine the abutting property to be affected or benefited by such sidewalk improvement or repair, and upon which local assessments are to be levied, to the extent and valuation of the special benefits to be derived from such improvement, if any; said Committee shall report its findings in writing to the Commission, said report showing the character of the work to be done; the estimated cost; the abutting property specially benefited thereby; and the owner or reputed owner thereof.

The Commission shall then consider the said report and may adopt the same or amend and adopt the same, and upon the adoption of said report, or the adoption of the same as amended, the City of Warrenton shall prepare, and the police shall serve notice on the owner or reputed owner of the abutting property to said sidewalk; such notice shall contain a description of the repair and improvement so proposed; the time and place when the Commission shall meet to hear all objections and remonstrances, claims of grievance of any person interested; the estimated cost of said repair or improvement, and the property to be affected and benefited thereby, such notice shall be personally served at least five (5) days prior to the day fixed for said hearing upon the property owner or reputed owner of said abutting property; or in case he cannot be found within said City, then by publication in one issue of a newspaper having general circulation in said City one week immediately preceding the time fixed for said hearing; proof of personal service to be made by affidavit of police,

AMENDED MARCH 9, 1937

and of service by publication by the owner, manager or printer's foreman of said newspaper.

Said affidavit shall be filed in the office of the Auditor and Police Judge on or prior to the time fixed for the hearing. On the day set for the hearing, the Commission shall consider any and all remonstrances thereto and may, by resolution, if it still deems it expedient to make such repair, construction or re-construction of side-walks, direct the Street Superintendent of said City to proceed to make such improvement; and all the costs thereof, with the costs of the engineering, plans, specifications and advertising, shall be entered up in the Lien Docket of the City against said property, and shall constitute a lien against the abutting property in the manner as liens for street improvements are assessed; provided, that the Commission at its said hearing, may by resolution, authorize the owner of the abutting property to make such sidewalk repair, construction or re-construction within a day named, or on failure to do same, authorize the street superintendent to proceed as aforesaid; provided further, that nothing herein contained shall prevent any abutting property owner from constructing, reconstructing or repairing a sidewalk upon the orders of the Street Superintendent, and in accordance with the plans and specifications furnished by the City Engineer therefor.

Prevent Encroachments and Obstructions

Section 33. To provide for the prevention and removal of encroachments upon and obstructions from and for the cleaning and repairing of the streets, sidewalks,cross walks, alleys, avenues, lanes or other highways of the City and compel owners, lessees, agents and occupants of land abutting upon the streets to remove such obstructions and repair the streets, sidewalks, alleys, lanes, or other highways of the City, and prohibit the parking or leaving of motor vehicles or other vehicles or machinery upon the public ways in the City, and to punish such persons for refusing to do so.

Surveying of Blocks and Streets

Section 34. To provide for surveying the blocks, streets, alleys or parks of the City, and making the boundary lines of such blocks, streets, alleys or parks.

Regulating Roadways; Railways; Transportation; Horses and Vehicles

Section 35. To regulate the use of streets, roads, highways and public places for foot passengers, animals, vehicles, cars, street railways and locomotives, to regulate the speed of railroad trains, cars or engines, motor cars, automobiles, motor cycles, or other vehicles within the corporate limits, the loud or unnecessary blowing of whistles; to regulate the storage and the transportation of gunpowder, dynamite, nitro-glycerine and other combustibles through the streets of the City; to protect the public from injuries by runaways, by punishing persons who negligently leave horses or carriages in the streets without fastenings; to prescribe the width of tires on all wagons, carriages drays, tucks, carts, motor vehicles and other vehicles and the weight to be carried thereby, for the preservation of the streets and highways.

Sidewalks; Building Fronts; Barbed Wire Fences.

Section 36. To regulate the use of sidewalks and to prevent the extension of building fronts within the street line and to prohibit the building and use of barbed wire fences, within the corporate limits.

Street Surfaces; Gas and Water Mains; Sewers

Section 37. To regulate the opening of street surfaces, the laying of gas and water mains; the building and repairing of sewers and the erection of electric, gas and other lights.

Opening and Widening of Streets

Section 38. To open, establish and widen streets, avenues, lanes and alleys upon payment of just compensation therefor and to bring suits for the condemnation for the land required for such purposes; and to assess

the amount of said just compensation to the property benefited by the opening, establishment and widening of streets, avenues, lanes, and alleys; to vacate streets, avenues, lanes and alleys; to grade, pave, plank, macadamize, gravel, curb and otherwise improve, repair or beautify the highways, streets, avenues, lanes and alleys of the City; to build sidewalks; to require property owners to remove weeds and other noxious growths from the surface of their property; to require parking strips between sidewalks and curbs to be graded and planted to lawn grass; to establish building lines; to establish lines for the erection of shade and other ornamental trees; to regrade, repave, replank, regravel, recurb and otherwise reimprove the highways, streets, avenues, lanes, alleys and sidewalks of the City; to provide for the payment of the expense thereof and to levy special assessments in the manner provided in Section 10 of Chapter VI of this Charter, upon the property which is specially benefited by such improvement.

Sprinkling Streets

Section 39. To provide for the sprinkling, flushing, cleaning and repair of any or all streets in the City and to pay for the same out of the general fund, or levy special assessments upon the property benefited thereby in the manner provided in Section 10, Chapter VI of this Charter, hereinbefore stated.

House Moving; Dangerous Buildings

Section 40. To prevent the erection or moving of buildings within the city limits, which shall be dangerous to the passersby or to the adjacent property, or an obstruction to public travel, and in case any building or any public street shall become dangerous to passersby, the Commission shall have power to cause the same to be removed or made safe at the expense of the property, upon five (5) days' notice to the owner thereof or agent therefor; and to determine by resolution when the same is dangerous. Such expense shall be made a lien upon the property and shall be levied, assessed and collected in the same manner as assessments for street improvements and the Commission may regulate the time and manner of, or prohibit the removal of buildings through the streets of the City, and may designate the character of the buildings which may or may not be moved.

Regulating Poles; Wires; Cables and Underground Conduits

Section 41. To allow, authorize, provide for and regulate the erection, maintenance and removal of telegraph, telephone, electric light, electric railway and other poles, wires and cables, and the laying and use of underground conduits or subways for the same, in, under, upon and over the streets, alleys or public parks, and public grounds of the said City, and in, under, over and upon any lands owned, or under the control of the City, whether they be inside the limits of said City or not; and to require all such wires and cables to be laid in said conduits or subways.

Appropriating Money

Section 42. To appropriate money and pay debts, liabilities and expenditures of the City, or any part or items thereof.

Taking Census; Deaths and Births; Sextons and Physicians

Section 43. To provide for a census of the inhabitants of the City; to regulate the burial of the dead and require registration of all births and deaths; to provide suitable penalties for the violation of ordinances enacted under this power; to create a Department of Health and the office of City Physician and prescribe his duties.

Regulating the Storage of Gun Powder; Dynamite

Section 44. To regulate and restrict the storage of gun powder, dynamite, giant powder, nitro-glycerine, oil and other combustible material, and to prevent their manufacture in the City, and to prevent by all proper means, danger or risks or injury or damage by fire, arising from carelessness, negligence or otherwise.

Duties of Officers

Section 45. To prescribe the duties of all officers of the City, other than the Commissioners, and to require each to give a surety bond for the faithful performance of his duties in such sums as the Commission shall designate, the premiums on said bonds to be paid from the general fund of the City Treasury.

To Exercise Power

Section 46. To exercise such power and authority as may be given to the Commission in this Charter, subject, however, to the initiative, referendum and recall, (as now, or may hereafter, be provided by the general laws of the State of Oregon).

Powers, How Exercised.

AMENDED MARCH 9, 1925

Section 47. The powers and authority given to the Commission by this Charter, wherein the same when executed is municipal legislation, can only be exercised or enforced by ordinance, unless otherwise expressly provided, but all powers and authority given to the Commission by this Charter not amounting to municipal legislation may be exercised either by ordinance or resolution, in the discretion of the Commission, except as otherwise herein provided. And the Commission, upon concurrence of any two Commissioners may pass any ordinance or resolution not repugnant to the Constitution or laws of the United States or of the State of Oregon, necessary or convenient for carrying into effect any power or authority granted by this Charter, except wherein limited by the provisions of this Charter.

Limitations of Power

Section 48. The Commission shall not have power;

(1) To authorize or make any contract for continuous service for a longer period than five (5) years, but the payment of a debt may be limited in time not to exceed twenty (20) years.

(2) To grant a franchise, even after a referendum, for a longer period than thirty (30) years.

CHAPTER VII

PUBLIC UTILITIES AND FRANCHISES

Public Utilities

Section 1. The City of Warrenton shall have power to construct, condemn, purchase, add to, acquire, maintain, operate and own all or any part of any public utility or any plant or enterprise, for the purpose of serving the City and the people thereof for uses public and private. Such power may be exercised in any lawful manner and shall include the power to purchase, condemn or otherwise acquire any franchise heretofore granted to operate a public utility.

Power of City to Construct or Acquire

Section 2. The City shall have the power to construct and acquire in any legal way and to maintain and operate works, plants and facilities for the purpose of doing any and all municipal work by direct employment of labor under the supervision of the City and may use such works, plants and facilities and product thereof for the purpose of doing municipal work of all kinds, and shall have the power to sell such product for use in the construction of municipal improvements of the City. It shall have power to provide payment for the whole or any part of local improvements constructed or done by the City directly under the provisions of this section as may be provided by issuing bonds as provided by Chapter VI, Section 4, of this Charter or by the use of any moneys in the general fund at the end of the fiscal year.

Public Utility Defined

Section 3. The term "public utility" as used in this Charter shall be deemed to include every plant, property or system engaged in the public service within the City or operated as a public utility as such terms are commonly understood.

Regulation of Utilities

Section 4. The Commission shall have general supervision and power of regulation of all public utilities within the City of Warrenton, and of all persons and corporations engaged in the operation thereof, subject to the provisions of this Charter, and of the general laws of the State of Oregon.

Public Utility Certificates

Section 5. The Commission is hereby granted power to issue and sell interest bearing public utility certificates for the construction or acquisition by purchase, condemnation or otherwise of any public utility to be operated within the City. The certificates shall be secured by a mortgage or mortgages upon such public utility plant and the revenues thereof; but the same shall not be a general liability of the City, and shall be paid solely from the revenues derived from the plant or from the sale thereof. Such power shall be exercised only by ordinance which shall be subject to referendum in like manner and upon like terms and conditions as ordinances granting franchises.

Investigation of Public Utilities

Section 6. The Commission shall have power to investigate from time to time, and whenever they shall deem that the public service, health or welfare require it, the affairs, business and property of any public utility within the City. For that purpose they have the right to compel attendance of witnesses and the production of books, papers and records, and of entry in person or by authorized agent upon any premises or places of any person or corporation engaged in the operation of a public utility. They shall have the power to control, regulate and order such changes, improvements, extensions, additional facilities, appliances or equipment in or upon the plant and property of any person or corporation operating public utilities within the City as may be deemed necessary to promote the public interest, convenience or safety, and to protect its employees in the construction, maintenance or operation of any such public utilities. Every charge, rate, fee or compensation made, charged or demanded by any person or corporation engaged in the operation of a public utility within the City of Warrenton for any service rendered or to be rendered shall be just, fair and reasonable.

Public Utility Shall File Report

Section 7. (A) Every person or corporation operating a public utility within the City or rendering service to be paid for wholly or in part by the users of such service shall keep full and correct books and accounts and make annual reports in writing to the Commission verified by such person or an officer of the corporation, which shall contain an accurate statement, in summarized form, as well as in detail, of all receipts from all sources and all expenditures for all purposes, together with a full statement of all assets and debts including stock and bond issues as well as such other information as to the cost and profits of such service, and the financial condition of such grantee as the Commission may require. Such reports shall be made public and a summary thereof shall be printed as a part of the annual report of the Auditor and Police Judge, and the Commission may inspect or examine, or cause to be inspected or examined, at all reasonable hours, any and all books of account and vouchers of such grantee.

(B) Reports shall be made in accordance with forms and methods prescribed by the Commissioners and so far as practicable shall be uniform for all grantees and holders of franchises, and shall, except for important and necessary changes, conform to such reports as are required by state or federal public utility commissions.

(C) Every failure or neglect on the part of the grantee or holder of a franchise to keep books of account or to make reports under this section shall be deemed an offense and the Commission may by ordinance provide for the punishment of every such violation, failure or neglect by fine or im-

prisonment, or both, of the person or persons whose duty it shall be to keep such reports.

(D) The enumeration in this chapter of any particular or special power or duty shall be construed as additional and supplimental to any and all powers in, or otherwise conferred upon, the City of Warrenton by law.

Power of the Commission to Make Rules

Section 8. (A) The Commissioners shall have power to make all orders, rules and regulations necessary or appropriate to carry into effect the powers granted and to make the same effective by penalties and forfeitures, and upon failure by any franchise holder to comply with any of the requirements of the provisions of this Chapter for a period of thirty (30) days after notice, the Commission shall have power ta declare by ordinance a forfeiture of the franchise under which any person or corporation so failing to comply is operating a public utility within the City of Warrenton.

(B) Every such order, rule or regulation of the Commission shall take effect at a time to be therein specified, and shall continue in force until modified or abrogated by the Commission or modified, suspended or set aside by the decree or judgment of a court of competent jurisdiction.

(C) Whenever any person or corporation against whom any rule, order or regulation is directed, as provided by the foregoing subdivisions, shall believe an order to be unjust or unreasonable ,he or it may test its justice or unreasonableness by a proper action in the courts, commenced within thirty (30) days after service of any such order, rule or regulation, and in such action such further order may be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto.

Franchises Subject to the Previsions of This Chapter

Section 9. Every franchise hereafter granted shall be expressly subject to all the provisions of the foregoing sections, and the power of control and regulation as authorized by such sections cannot be limited, divested or granted away. Subject to the initiative and referendum and the general laws of Oregon such power of control and regulation shall be exercised by the Commission and may be exercised by the Commission through its agents.

Franchise Deemed as Property

Section 10. Every franchise granted under this Charter shall be taken and deemed as property and shall be subject to taxation as property.

Limitation as to Time

Section 11. Franchises may be granted for a limited time in and upon the streets, highways and public places and property of the City of Warrenton, in the manner and subject to the conditions hereinafter contained.

No Exclusive Franchise Granted

Section 12. No exclusive franchise shall be granted nor shall any franchise, lease, or right be granted for a longer period than thirty (30) years.

Franchise—What to Contain

Section 13. Every Franchise granted by the City of Warrenton shall contain full and explicit statements of its conditions in the following particulars:

(a) In case of railroads and street railways it shall specify plainly the streets or other places or parts thereof to which they apply. Any other franchise shall state the boundary of the district or districts within which it shall be exercised.

(b) The amount and manner of payment of the compensation to be paid by the grantee for the right. The Commission shall make an estimate of the cash value of any franchise upon the filing of the application, or an estimate of what it may consider fair compensation to the City for the franchise, and the same shall be entered upon the minutes of the proceedings of the Commission and published with the published copy of the franchise. In lieu of a money valuation the Commission may at its option

declare what will be a reasonable reduction of fares, rates or charges, either at the beginning or progressively from time to time, to be made by the grantee in compensation for the grant.

(c) The time of beginning the construction or other work thereunder, the estimated total cost of such work, the monthly or yearly sums of money to be expended thereon, and in case of franchise to transportation companies or other franchises covering certain streets or portions of streets, the time within which the work under such franchise shall be completed upon such steets or portions of streets respectively.

(d) Every grant of a franchise which provides for or permits the changing of rates, fares, or charges shall contain a provision fixing the maximum that the holder can collect for service rendered by virtue of said franchise and the operation of the plant or property thereunder; subject, however, to the power of regulation prescribed in this Charter and the general laws of Oregon. Rules, however, shall always be uniform to all persons of like classes under similar circumstances and conditions.

(e) Every franchise shall be embodied in an ordinance, which shall contain all the terms and conditions of the proposed grant, and shall be filed with the Auditor and Police Judge, Thereupon such proposed ordinance shall be published in full once in the City Official Newspaper, if any, and if not, in some newspaper of general circulation therein, and given as full publicity as may be under the circumstances, notice prepared by the Auditor and Police Judge, that an application has been made for a franchise, giving the name of the applicant, the character and location of the proposed grant, and requesting any person having any objections to such proposed franchise or any provisions thereof to file the same in writing with the Auditor and Police Judge within ten (10) days from the first publication of such notice. If such request is made therefor, the Commission shall fix a time for a hearing upon such objections, and give reasonable notice of the time thereof not less than five (5) days. All such publications and notices shall be at the expense of the applicants for such franchises. Such ordinances shall not come up for first reading until after the expiration of the said ten (10) days. If such ordinance shall be amended, it shall be republished in the said newspaper in full as amended. No such ordinance granting a franchise shall be put on its final passage within twenty (20) day after the first reading nor within ten (10) days after any amendment thereto, and the affirmative vote of three commissioners shall be required to pass the same.

(f) The enumeration and specifications of particular matters which must be included in every franchise granted shall not be construed to impair the right of the City to insert in such franchise such other and further conditions and restrictions as the Commission may deem proper for the public welfare.

Franchise Not to be Sublet or Leased

Section 14. No franchise shall be sublet or assigned, nor shall any of the rights or privileges thereby granted or authorized be leased, assigned, sold or transferred without the consent of the City of Warrenton expressed by ordinance which shall be subject as other ordinances, to the referendum.

Franchise Conditions

Section 15. Every franchise granted by the City of Warrenton shall be subject to the conditions and restrictions hereinafter provided, to-wit:

(a) That the City may in any lawful manner and upon the payment of a fair valuation lawfully ascertained, purchase, condemn, acquire, take over and hold the property and plant of the grantee in whole or in part; if such purchase or taking over be at the expiration of the term of the franchise, such valuation shall not include any sum for the value of the franchise or grant under which such plant and property is being operated.

(b) That upon payment by the City of Warrenton of a fair valuation as above stated, the plant and property so acquired shall become the prop-

erty of the City without formal execution of any instrument of conveyance, provided, however, the City may at its option compel the execution to it of an instrument of transfer and conveyance.

(c) That upon the acquisition of any such plant or property the right of the holder of any such franchise pursuant to which such plant or property was operated shall cease and determine, and the acquisition by the City of any such property or plant shall operate to divest the holder of any such franchise of all right, title and interest therein.

(d) No franchise shall be granted without fair compensation to the City therefor, either by way of direct payment or by reduction of rates, fares or charges; and in addition to the other forms of compensation to be therein provided, the grantee may be required to pay annually to the City such part of its gross receipts as may be fixed in the grant of said franchise. This provision shall not exempt the holder of the franchise from any lawful taxation upon its property nor from any license, charge or imposition not levied on account of such use.

(e) Every franchise and all things constructed thereunder or used in connetion therewith, other than rolling stock and power, shall be subject to common use by any person or corporation, including the City, operating a simlar public utility whenever it shall be advantageous to the public, upon payment or tender of fair compensation for such use. The compensation for the franchise itself shall be payable only to the City and not to the holder of the original franchise. The Commisson shall have power to determine what is a fair compensation and to regulate the manner of such use subject to the general laws of Oregon and to judicial review, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the court such sum as the court on a preliminary hearing may determine. Such compensation shall not include any remuneration for the franchise or rights conferred by the City, except that the new user may be required to pay a ratable part of any tax or public charge imposed upon the original grantee by reason of such franchise in addtion to such other payment to the City as the Commission may deem equitable.

(f) The holder for the time being of any franchise to construct or operate railways in the streets or public places shall keep those portions of streets or other places occupied by such holder, in good repair, or order as required by the Commission, and shall improve, pave, or repair and maintain from time to time and in the manner and within the time directed by the Commission, that portion of the street occupied by them lying between the rails of the track and extending two foot outside of such rail, and the portion of the streets lying between the tracks. In addition, any franchise granted to any street or other railroad, for the operation thereof, may provide that the holder thereof, for the time being shall pave, repave and keep in repair at the time and in the manner required by the Commission any street or part thereof used pursuant to such franchise for the whole or any part of the entire width of the street. Failure or neglect on the part of any holder of a franchise to do the work in the manner and within the time required by the Commission shall constitute an offense punishable by a fine of not less than ten ($10) dollars nor more than one hundred ($100) for each and every day such refusal or neglect shall continue.

CHAPTER VIII
DUTIES OF OFFICERS

Municipal Court

AMENDED MARCH 9, 1925

Section 1. The Auditor and Police Judge is the judicial officer of the corporation and shall hold court therein at such place as the Commission shall provide, which court shall be known as the "Municipal Court." He shall be employed by the Manager and hold his office during his pleasure.

Jurisdiction.

Section 2. He shall have jurisdiction of all offenses defined and made

punishable by any ordinance of the City, and of all actions brought to recover or enforce any forfeitures or penalty declared or given ordinance, which actions and offenses shall be tried in the manner and with like effect as is povided by the laws of the State of Oregon, for Courts of the Justice of the Peace, except without the intervention of a jury, but the defendant shall have the right of appeal in all cases to the Circuit Court of the State of Oregon for Clatsop County from any judgment rendered by said Auditor and Police Judge, provided said appeal shall be taken and allowed and the appeal perfected in the manner provided by the laws of the State of Oregon, relating to appeals from judgments in criminal actions rendered in Justice of Peace Courts. No appeal shall be allowed where the fine is less than Twenty Dollars ($20.00) or the imprisonment less than ten 10 days; and he shall likewise have within the City of Warrenton the jurisdiction and authorty of a Justice of the Peace and committing magistrate, and shall be subject to all the laws of the State prescribing the duties of a Justice of the Peace and mode of performing them, except as herein provided.

When acting as Justice of the Peace, the right of trial by jury shall be as in the Justice's Court, and costs and disbursements assessed as therein; and the fees prescribed by law shall belong to the City of Warrenton.

Fines and Penalties.

Section 3. All fines imposed by said Auditor and Police Judge and all penalties recovered before him for a violation of a City ordinance shall when received or collected, be forthwith paid by the Auditor and Police Judge to the City Treasurer who shall give him a receipt therefor, which shall be filed in the Auditor and Police Judge's office.

Management.

Section 4. The Manager shall have absolute control and supervision over all officers and employees of the City except the Commissioners, and he shall have power to appoint all officers prescribed by this Charter, except the Commissioners, and to employ such additional help as may be necessary to carry on and perform the business affairs and departmental work of the City. He shall have power to discharge, with or without cause, any person appointed or employed by him; he shall see that the business affairs of the municipal corporation are transacted in a modern, scientific and businesslike manner and the services performed and the records kept shall be as nearly as may be like those of an efficient and successful private corporation; he shall be accountable to the Commission for his actions, conduct and management of the business and may be discharged at the will of the Commission, with or without cause upon giving him thirty (30) day's notice; he shall perform such duties as may be required by the Charter or ordinances of the City or specially required of him by the Commission.

AMENDED MARCH 8, 1925

Duties of the Auditor and Police Judge.

Section 5. The Auditor and police Judge shall be the clerk of the Commission and with him must be filed all claims and accounts against the City; he shall keep accurate minutes of all proceedings of the Commission and he shall take charge of and safely keep all the papers and records of the corporation, including all bonds except his own, unless otherwise provided; he shall be ex-officio clerk of the Municipal Court, and shall keep an accurate record of all judicial business transated by said Court, and file and preserve all the records thereof, he shall perfom such other duties as the Commission may require.

Monthly Statements.

Section 6. The Auditor and Police Judge shall make out and present to the Commission a monthly statement of all moneys received or collected by him for the City, and of all licenses issued and all warrants drawn on the City Treasurer, and such other statements as the Commission may require.

Claims Against the City.

Section 7. All demands and accounts against the City shall be presented to the Auditor and Police Judge on or before the first day of each month with the necessary evidence in support thereof, who shall refer them to the Manager for his approval or disapproval, and thereafter he shall refer them to the Commission at its next regular meeting, together with any suggestions or explanation which he may deem proper and pertinent. All such demands and accounts including salaries, labor certificates and contract bills, may be paid in whole or in part, as they may deem just and legal; provided that no claim shall be allowed or paid or warrant drawn therefor that is not for a corporate purpose. All accounts shall be balanced at the end of each month

Warrants, How Drawn.

Section 6. When the Commsision orders any account or demand to be paid, the Auditor and Police Judge shall draw a warrant on the Treasurer for the amount, which warrant, when so drawn, shall be signed by the Mayor of the City and attested by the Auditor and Police Judge, and when delivered to the payee shall be receipted for by him.

Auditor and Police Judge's Official Title.

Section 9. The Auditor and Police Judge's name of office, whether acting as Auditor and Police Judge, clerk of the Commission, clerk of the Municipal Court, or otherwise shall be Auditor and Police Judge of the City of Warrenton.

Issue Licenses.

Section 10. The Auditor and Police Judge must issue all licenses authorized by the City upon payment to him of the money required for such license; provided, that in cases where the provisions of this Charter, or any City ordinances shall require a special order, license shall only issue upon receipt of such special order by the Commission .

Books of Account.

Section 11. Books of Account, showing accurately and in detail, under the supervision of the Auditor and Police Judge, shall be kept showing therein receipts and disbursements, and all sums appropriated, the date thereof, the date and amount of all orders and warrants drawn upon the Treasurer, and to whom payable and referring to the minutes of the Commission for authority for such warrants, and all such other matters and things as may be prescribed by ordinance or be proper or necessary to a correct understanding of the City's finances.

Administer Oaths.

Section 12. The Manager, and the Auditor and Police Judge are each authorized to administer any oath authorized or required to be taken by any law of this state or by any ordinance of this Cty.

City Attorney.

Section 13. The City Attorney shall be an attorney of the Supreme Court of the State of Oregon, at the time of his appointment. He shall be the public prosecutor of the City; and it shall be his duty to diligently inquire into and prosecute in the Municipal Court all violations and infractions of the City ordinances; and he shall be the legal representative of the cty in any court in which the City is a party, either in the first instance or on appeal on a review. He shall be the legal advisor of all City officers, and it shall be his duty to prepare all proposed amendments to the Charter, City ordinances, contracts, bonds or other legal papers on request of the proper officials, in which the City is a party or interested; and he shall perform such other duties as may be prescribed by ordinance

Treasurer, Duties Of.

Section 14. The Treasurer shall receive and safely keep all the moneys that shall come into his hands belonging to the City of Warrenton and shall pay the same over upon a warrant signed by the Mayor and the Auditor and Police Judge. He shall keep a correct account of his receipts

and disbursements, and at all times keep his books open for the inspection of the Commission, the Manager of the City or any other interested party, and at the expiration of his term of office, or upon his removal therefrom, he shall turn over to his successor all moneys, books and papers in his custody belonging to his office. He shall be the custodian of the bond of the Auditor and Police Judge; and shall perform such other duties as are provided for by this Charter, the ordinances or special oders of the Commission.

Police.

Section 15. The Chief of Police shall be the chief peace officer of the City, and shall have the control and disposition of such police officers as may be appointed, either temporarily or permanently. It shall be the duty of the police to preserve the peace and quiet of the City, to diligently inquire into and make complaint against all persons guilty of the violation of any of the Ctiy ordinances or crimes, prevent crime, arrest ofenders, protect the rights of persons and property, and generally obey and enforce all the ordinances of the City and criminal laws of the State and of the United States; and to perform such other duties as may be prescribed by ordinance or by order of the Commission; and they shall have the general authority of a peace officer of the State of Oregon.

City Engineer.

Section 16. The City Engineer shall have the supervision of all surveys of streets, squares, parks and other public property of the City, and all construction work done thereon, either by contract or otherwise; and he shall, when requested by the Commission or Manager, furnish profile maps, plans, specifications and estimates of all public work and buildings in which the City may be interested, including the laying of sewers and water mains and pipes; and he shall certify to the Commission or the Manager, when so requested, his findings regarding the completion of any contract for any street, park, building or other improvement in which the City may be a party; and he shall perform such other duties as may be pescribed by ordinance .

Water Superintendent.

Section 17. It shall be the duty of the Water Superintedent to have the general oversight and control of the water department of the City under the direction of the Manager and the laying of water pipes; and he shall perform such other duties as may be prescribed by ordinance.

Fire Department

Section 18. It shall be the duty of the Chief of the Fire Department to have the control and disposition of all firemen, either voluntary or paid, and the control and management and disposition of all men in case of fire, and all the machinery of the department; and he shall perform such other duties as may be prescribed by ordinances.

Street Superintendent.

Section 19. The Street Superintendent shall have charge of all the streets, alleys and parks of the City, and it shall be his duty to see that they are kept clean and in good condition, and he shall perform such other duties as shall be prescribed by ordinance.

Dyke Superintendent.

Section 20. If the Commission deems it desirable it may provide for a Dyke Superintendent, who shall have charge and superintendence of the construction and maintenance of all dykes in the city, subject to the usual control of the Manager and other provisions of this Charter.

One Officer May Perform the Duties of One or More Offices.

Section 21. Any or all of the officers mentioned in Sections 15 to 20, both inclusive, of this Charter, may perform the duties of one or more of the officers or employees provided for in such sections.

City Health Officer.

Section 22. The City Health Officer shall have control and jurisdiction of all questions relating to the public health, quarantines of all con-

tagious and infectious diseases, all sanitary regulations, birth and death records, and shall have the sanitary supervision of all public buidlings in the City, and he shall determine when any unsanitary condition becomes a public nuisance; and he shall perform such other duties as shall be prescribed by ordinance.

CHAPTER IX
OF ASSESSMENT AND COLLECTION OF DELINQUENT TAXES.

General Fund.

Section 1. All moneys paid for licenses and collected as fines as well as all money collected by taxation, except taxes levied for a special purpose, shall form the general fund of the City; provided, that the Commission may create other funds for special purposes or improvement district funds. Warrants drawn upon the general fund shall be payable in the order of their presentment to the Treasurer; the Commission shall have the power to invest trust funds, sinking funds and improvement district funds in interest bearing securities, which securities shall be of such value and salability that the Commission may realize upon the same within a reasonable time, the interest received from the investment thereof shall be used to recoup the City's liability for other interest or bonded indebtedness.

Manner of Assessing Taxes.

Section 2. All taxes except as in this Charter otherwise provided, shall be assessed, levied and entered upon the tax roll of Clatsop County, Oregon, in accordance with the general laws of the State of Oregon, relating to the assessment and levying of taxes in force at the time of assessment, and shall be collected by the same officer collecting county taxes in said Clatsop County, and at the same time as said county taxes are collected, and shall be paid over to the City Treasurer of the City of Warrenton upon demand, as provided by law.

Fixing Amount of Taxation.

Section 3. Immediately after the County Clerk of Clatsop County has ascertained the aggregate valuation of assessable property within the City limits of the City of Warrenton and shall furnish a certificate showing the aggregate value thereof as provided by law, it shall be the duty of the Commission to levy such taxes and assessments as the Commission may consider necessary, not exceeding the limit fixed by the laws of Oregon and to Proceed with the same as provided by the general laws of the State of Oregon relating to the mode of making up the annual tax budget and assessments, collecting and payment of taxes.

Interest on Local Assessments.

Section 4. All special assessments for local improvements shall bear interest at the legal rate from the time the same are delinquent until paid or collected, unless otherwise provided by this Charter, and the Auditor and Police Judge must collect and pay the same to the Treasurer for credit to the proper fund of the City.

Time of Payment.

Section 5. The Commission must provide by ordinance a time when such special assessments shall be paid to the Auditor and Police Judge and all assessments not paid within such time are thereafter delinquent and must be collected as such, and a penalty of five (5) per cent shall be added thereto, and such delinquent assessments and interest must be collected as such.

Special Assessment Rolls.

Section 6. Thirty days after the expiration of the time limited for paying said special local assessments to the Auditor and Police Judge, such offcer must return said roll to the Commission, distinguishing thereon the amount of assessments paid and those remaining unpaid.

Warrants Directed to the Chief of Police.

Section 7. The Commission must thereafter order the Auditor and Police Judge to deliver the said roll to the Chief of Police and issue and

thereto a warrant directed to the Chief of Police, commanding him to proceed forthwith to collect the delinquent assessments upon such roll, together with the penalty and interest accrued thereon, and pay the same to the Auditor and Police Judge, together with the cost of collection, for deposit, and return the warrant and assessment roll with his doings endorsed thereon and the receipt of the Auditor and Police Judge for the funds collected to the Commission.

Warrant Deemed to be Execution

Section 8. The warrant for the collection of such delinquent assessments shall be deemed an execution and shall have the force and effect thereof against the property of any person, firm or corporation against which such assessments are levied and upon which the same are a lien, and said warrant shall be executed and returned to the Commission in like manner as an execution for the sale of real property upon a decree of foreclosure of a lien thereon.

Levy Made on Real Property.

Section 9. The Warrant must be levied upon the real property covered by the lien for the assessments charged against the same, including the fees of officers, advertising and all expense of sale and executing the warrant.

Owner Unknown.

Section 10. In case of delinquent assessments levied upon real property when the owner is unknown, the warrant, together with penalty and accrued interest thereon, shall be executed by levying upon each lot or part thereof of such property for the assessments levied thereon, together with the fees of officers, the expenses of advertising and sale and selling it separately.

Deed of Chief of Police.

Section 11. When real property is sold for delinquent assessments, the Chief of Police shall make and deliver to the purchaser, upon the payment to him of fifty (50) cents for the benefit of the City, a certificate of sale therefor, and thereafter, if such sale be of real property and the same be not redeemed, a deed shall be executed by the Chief of Police to the purchaser thereof, or to his assigns, at the expiration of the time for redemption. The purchaser shall be entitled to the possession of said property from the day of the sale.

Real Property; Redemption of.

Section 12. Real property sold for delinquent assessments may be redeemed within one year after the sale, upon the payment of the amount of taxes, penalty, interest, accrued up to the time of the sale, the expenses of the sale and interest at the rate of ten (10) per cent per annum from the day of the sale.

Surplus Paid to Owner.

Section 13. Whenever any property sold for delinquent assessments shall bring more than the amount of such assesments, the penalty and interet, and the costs and charges of collection, the surplus must be paid to the Treasurer, and the person executing the warrant must take a receipt therefor, and file the same with the Commission on the return of the Warrant. At any time within three (3) years thereafter the owner of the property sold, or his legal representative, is entitled upon demand to a warrant on the Treasurer for such surplus.

True Consideration Named

Section 14. In all cases of sale of property for delinquent assessments, the true consideration thereof shall be expressed in the certificate of sale therefor, and the return of the officer executing the warrant must express the consideration and the name of the purchaser.

Alias Warrant; Costs of Collection.

Section 15. The Commission may provide within what time a warrant for collection of delinquent assessments may be returned, and may order an alias warrant to issue for the collection of any such assessments not made

on a previous warrant, or otherwise. All costs and charges for collecting delinquent assessments must be made on the warrant and collected as a part of the assessments. The Commission may prescribe fees and compensation for collecting delinquent assessment, but the same shall in no wise be paid out of the Treasury.

Property Not Sold for Less Than Taxes; Advertise Certificates of Sale.

Section 16. All real property shall be subject to levy and sale for the collection of delinquent local assessmests, whether the same is exempted from general taxation by the Constitution and the laws of the State of Oregon, or not.

No property shall be sold for less than the assessments assessed against it, and if such amount is not bid, the Chief of Police or officer executing the warrast shall strike the same off to the City for said amount, and issue to the City a certificate of sale therefor. The Auditor and Police Judge may thereafter, when authorized by the Commission, assign such certificate to anyone paying therefor the price that is required for the redemption of said property, and the Auditor and Police Judge may thereafter, under the direction of the Commission, once each year, until the City obtains a deed, advertise and offer such certificates for sale, but in no case shall he sell for less than the amount required to redeem said property, until the City obtains a deed, and annually thereafter he shall advertise the land for sale, and shall sell the same to the highest bidder for cash, subject to approval by the Commission, irrespective of the amount of assessments charged against the same. The deed of the Chief of Police conveying real property sold for assessments on account of local improvements, shall be prima facia evidence of the regularity of said proceedings, and no action, suit or procedure shall be brought to set aside the same without first tendering to the purchaser or his assigns the amount of the assessments, taxes, penalty, interest, costs and expenses of sale.

CHAPTER X
OF MISCELLANEOUS PROVISIONS

Fiscal Year.

Section 1. The fiscal year of the City shall commence on the first day of January and end on the last day of December, same year.

Licenses; Limitations.

Section 2. Obtaining a license from Clatsop County, shall not exempt one from paying a license to the City of Warrenton for like business or occupation.

Enacting Clause of Ordinances; Warrants.

Section 3. The enacting clause of every ordinance shall be "THE CITY OF WARRENTON does ordain as follows:" And all warrants issued either by the Auditor and Police Judge or in the Municipal Court, shall run in the name of the City of Warrenton, Clatsop County, Oregon.

Ordinances Effective.

Section 3—a. All ordinances shall be in force and effect from and after twenty (20) days after their passage, unless the same shall contain an emergency clause, when the same shall be in force and effect from its passage.

REPEALED AND SUBSTITUTED MARCH 9, 1925

The Initiative and Referendum.

Section 4. All Municipal legislation of the City of Warrenton shall be subject to the Initiative and Referendum and the provisions of the Statutes of the State of Oregon upon these subjects, are hereby extended to and adopted by, this Charter as the method of carrying into effect the powers of the legal voters of the City of Warrenton, affecting municipal legislation within its limits.

Of the Recall.

Section 5. Every elective officer of the City of Warrenton is subject, as herein provided, to recall by the legal voters of the City of Warrenton, upon filing a petition with the Auditor and Police Judge, demanding the

recall of such officer, equal to not less than twenty- five (25) per cent of the total number of votes cast at the last preceding general City election; provided no officer may be recalled until he shall have held such office for at least six (6) months preceding the filing of petition for such recall. Said petition shall set forth the reasons for said demand. If the officer sought to be recalled shall tender to the Auditor and Police Judge his resignation, it shall be accepted, and take effect on the day it is offered, and the vacancy shall be filled, as provided heretofore in this Charter. If said officer shall not resign within five (5) days after the petition for his recall is filed, the Auditor and Police Judge shall call a special election in said City withn twenty (20) days thereafter to determine whether the legal voters will recall said officer. Said officer shall continue to perform the duties of his office until the result of said election shall be officially declared, which, if a majority vote for recall, the office is at once vacant. The office may, however, be sooner determined by legal proceedings, which may vacate the same sooner than the election which shall vacate the same. Other candidate or candidates for the office may be nominated to be voted for at said special election, in themanner prescribed by this Charter.

Official Undertakings.

Section 6. The Commission shall by ordinance fix the amount of the official undertaking of each and every officer of the City, and of every other person who may be required by this Charter, or by ordinance to execute and file an official bond; provided, that such undertaking shall be given in a suitable and sufficient sum andmanner, and provided further, that an approved indemnity bonding company upon such undertaking may be accepted as surety thereon.

Bonds of Subordinates.

Section 7. Every officer may require of his deputies, clerks or employees, bonds of indemnity, with sufficient sureties for the faithful performance of their duties, the penalties in which shall be prescribed by ordinance. Every officer shall be liable to the City on his official undertaking or bond for the acts and commission of his deputies, assistants, clerks and employees appointed by him, and of any and each of them, and every official undertaking or bond shall contain such condition or provisions.

Prohibitions of Officers and Employees.

Section 8. No Commissioner or other officer or employee of the City shall be or become directly or indirectly interested in, or in the performance of, any contract for the supply of labor or material to the City, or in the sale of any article, the price or consideration of which, is payable from the City Treasury, or in the purchase or lease of any real estate or other property belonging to or to be taken by the City, or which shall be sold for taxes or assessments or by virtue of legal processes at the suit of the City. And in case any officer or employee of the City shall be interested personally a sa promoter or stockholder in any firm or corporation, in any grant or privilege or franchise sought by himself or his associate or such firm or corporation from the City of Warrenton, or any public utility which is sought to be acquired by the City, or which is offered for sale or lease by the City, such officer or employee shall be incapacitated to take any part in the negotiations or proceedings connected with the giving or granting of such grant, privilege or franchse; but such negotiations or proceedings and acts as would otherwise be conducted by such officer or employee shall be conducted and done on behalf of the City of Warrenton by such officer and employee as would have been done and conducted the same in the absence of such interested officer or employee. If any officer or person in this section designated shall violate the provisions of this section in any manner, he shall forfeit his office, and all such contract, grants, privileges or franchises, in the hands of others, except a purchaser without notice for value shall be void.

Limit of Contracts.

Section 9. Any contract entered into for and on behalf of the City of Warrenton, for a longer period than fifty (50) years, shall be null and void.

Annual Budget Shall Be Made.

Section 10. A tax budget shall be made up annually in conformance with the provisions of the General Laws of the State of Oregon and, if at any time, such laws should not appear adequate, the Commission may by ordinance or resolution provide for an annual tax budget.

Expenditures of Money; How Made

Section 11. No indebtedness for current expenses shall be contracted in excess of the estimated current revenues, nor shall money be expended or payment made from funds of the City, except funds derived from special assessments against specific property for local improvements, until a specific appropriation therefor shall have been made, and no ordinance making an appropriation of money shall contain any provision on any other subject, except as otherwise provided in this Charter; provided, however, that in case of an emergency or unforeseen calamity, the Commission may by ordinance, declaring such emergency, borrow money and evidence the same by the negotiable promissory note or notes or bonds of the City in a sum not exceeding five thousand dollars ($5000.00). Any Commissioner voting to incur an indebtedness in excess of the estimated current revenues, or in excess of the amount authorized by this Charter, shall, upon trial and conviction thereof, be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and shall forfeit his office as Commissioner.

Public Statements.

Section 12. It shall be the duty of the Auditor and Police Judge to publish in some newspaper of general circulation in the City, statements of the financial condition of the City, once each year, verified by his certificates.

Favoritism Prohibited.

Section 13. Any officer of the City, who shall aid or assist a bidder in securing a contract to furnish labor, materials or supplies, or permit the same to be done, when in his power to prevent, at a higher price than that proposed by any other bidder, or who shall favor one bidder over another either by giving or withholding information or otherwise, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor than has been actually performed, or to receipt for a greater amount or different kinds of material or supplies than has actually been received, or knowingly permit the same to be done when within his power to prevent the same, shall be deemed guilty of malfeasance and shall be punished by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) and shall be removed from office.

Succession of Property Interests, Contracts, Ordinances and Indebtedness, Continued in Force.

Section 14. All property, real and personal, rights, privileges and immunities, together with all books, papers, records, deeds, patents, moneys, accounts and everything now held, possessed, and enjoyed by the City of Warrenton at the taking effect of this Charter shall, by the operation of this Charter, and by law, pass to and be held possessed, retained, and enjoyed by the City under this Charter, and all contracts heretofore entered into by said City of Warrenton, are hereby continued in full force and effect as though granted by the City of Warrenton under this charter; and all bonded and other legal indebtedness incurred by said City of Warrenton and in full force at the taking effect of this Charter, shall be and is con-

tinued in full force and effect under this Charter, and all resolutions and ordinances, and orders not in conflict with the provisions of this Charter, which were in force at the taking effect of this Charter shall remain in full force and effect by this Charter, except that where this Charter prescribes the method of performing an act, such method herein is exclusive and repeals any ordinance, resolutions or order prescribing any other, different or additional method; provided that all duties required therein to be performed by the City Marshal must be performed by the Chief of Police after this Charter becomes effective.

Proof of Ordinances

Section 15. In all judicial or quasi-judicial proceedings in the Municipal Court, a copy of any ordinance of resolution or records or proceedings certified to by the Auditor and Police Judge shall be competent evidence of the provisions and passage of such ordinance or resolution or adoption of such records.

Conveyance of Real Property.

Section 16. All instruments conveying real property belonging to the said City shall be signed by the Commissioners, attested by the Auditor and Police Judge and the seal of said City affixed thereto and shall be acknowledged by said signatory officers, witnessed and recorded as required by the general laws of the State of Oregon. No conveyance not thus executed, acknowledged, witnessed and recorded shall have any validity whatever against the City.

Present Indebtedness of City Not Impaired.

Section 17. The indebtedness, or other obligations, of the City of Warrenton, or of The Water Commission of the City of Warrenton, whether such indebtedness is evidenced by warrants, bonds, or otherwise existing at the time this Charter is adopted, shall not in any way be affected by the adoption of this Charter or the repeal of any Charter provision in effect at the time that this Charter becomes effective.

The Powers of the Water Commission to Devolve Upon the Commission.

Section 18. Any and all powers vested in The Water Commission of the City of Warrenton and in force under the provisions of the Charter of the City of Warrenton, or in any ordinances or resolutions thereof at the time of the adoption of this Charter shall be transferred to and vested in the Commission of the City of Warrenton, with full power to construct and maintain a complete water system for said City, whether within or without,or within and without, the city limits of said City; to own and hold real and personal property, with that end in view and to construct and maintain resevoirs, dams, and the like and to do generally any and all things that may be necessary or proper in the matter of furnishing water to the residents of the City of Warrenton and to residents of any other municipality, or municipalities, Clatsop County, Oregon, and to indvidual residents in such County residing outside of municipalities; and all other property, whether real, personal, or (and) mixed, and held and possessed by the Water Commission of the City of Warrenton at the time that this Charter becomes effective, is hereby transferred to the City of Warrenton, to be held under the custody and control of the Commission of the City of Warrenton.

Sections of Old Charter Included in This Charter.

The following sections of the old Charter of the City of Warrenton, which were in effect immediately preceding and up to the time this Charter goes into effect are expressly retained in this Charter, and the only material changes made therein consist of substituting in this Charter the word "Commission" for the words of "Common Council" in the old charter, and the words "Chief of Police" in this Charter for the words "Marshall or "City Marshal," in the old Charter, and the words "Auditor and Police Judge" in this Charter for the words "Recorder," or "Auditor," in the old Charter, as follows:

Power to Construct Bulkheads and to Issue Bonds to Pay Therefor.

Section 19. The City of Warrenton is hereby authorized and empowered to construct, keep and maintain bulkheads or retaining walls in, upon, over, along under, across or on any of the streets, alleys, or highways of the City of Warrenton that are now laid out and established or that may hereafter be laid out or established or secured either by dedication or condemnation or otherwise, and to construct, and maintain the same upon any right of way therefor hereafter secured either by purchase, dedication or condemnation or in any other manner, which said bulkheads or retaining walls shall be of such length, dimensions, kind or character, and constructed at such place or places as the Commission of the City of Warrenton shall from time to time determine and designate at and below the extreme high tide line on the shore or water frontages of the Columbia River and the Skipanon Creek, or River, commonly called the "Skipanon Waterway," above or below tides within the City, and for the purpose of constructing such retaining walls or bulkheads the City may acquire by purchase or condemnation or otherwise, such rights of way as in the judgment of the Commission may be necessary or convenient for the construction and maintenance of the same.

Said Commission shall have power and authority at any regular meeting thereof in addition to the power heretofore granted to the said Commission by the Charter of the City of Warrenton, to levy an additional tax not exceeding ten mills on the dollar in any one year, upon the taxable property of the City, which said tax shall be levied by resolution adopted by the Commission of the City of Warrenton, at the time the Commission shall levy taxes for general municipal purposes for the ensuing year, and such taxes shall be included in the general levy of taxes for that year and as made by the Commission of the City of Warrenton, which tax shall be collected at the same time and in the same manner as other taxes of the City of Warrenton are collected, and when so collected, shall be kept in a separate fund and shall be used exclusively forthe purpose of defraying the expenses of constructing such bulkheads and retaining walls and paying interest on bonds issued for that purpose and for retiring or redeeming such bonds, and in paying salaies of officers, servants and employees, and the general incidental expense in connection with said improvements. And to defray the costs and expenses of constructing said bulkheads or retaining walls, said Commission may also from time to time, if required, issue and sell negotiable bonds of the City of Warrenton, running for a period of not less than twenty years, the aggregate amount of which bonds for the construction of such bulkheads of retaining walls shall not exceed the sum of $200,000.00. All bonds issued and sold to raise funds for the construction of bulkheads or retaining walls shall provide that the same may be recalled and paid at the option of the City at par, at any time after expiration of ten years from the date of issuance of the same. Provided, that nothing herein contained shall be construed to limit or restrict the amount of twenty-year bonds that may be issued and sold from time to time to defray the costs and expenses of filling in tide lands, mud flats, overflowed lands and lowlands, where the owners of property assessed to defray the costs and expenses thereof shall avail themselves of the privilege of paying asessments in ten equal installments as hereinafter provided; it being the express intention of this act that the costs and expenses of constructing the bulkheads shall be defrayed by general taxation or the issue and sale of bonds, but the costs and expenses of filling in and reclaiming the tide lands, mud flats, overflowed lands and lowlands shall be by local special assesments levied upon each lot or parcel of land, or tract of water frontage filled in, according to the benefits resulting from the filling in and reclaiming of the same, including the filling in of the abutting streets and alleys. All bonds issued under this act shall bear such rate of interest as may be determined upon by the Commission of the City of Warrenton, and not exceeding six per cent per

annum, and all bonds issued to pay for filling in or reclaiming the tide lands, mud flats, overflowed lands and lowlands, on account of persons owning property assessed for that purpose availing themselves of paying assessments in installments, shall provide that the same shall be redeemable at the option of the City at par, with accrued interest at any time after the expiration of ten years from the date of issue, and all bonds shall be signed by the Mayor and Auditor and Police Judge of the City of Warrenton, and the full faith and credit of the City of Warrenton shall be pledged to the payment of all bonds issued under this act.

No part of the expense of filling in or reclaiming any of the tide lands, mud flats, overflowed lands, lowlands, or water frontage, including the streets of any reclamation district (excepting the retaining walls or bulkheads) shall be paid from general taxation, but the whole expense of filling in and reclaiming such tide lands, mud flats, overflowed lands, low lands, or water frontage, in any district, including the streets and street crossings, and alleys thereof, shall be defrayed by special assessment upon the lots, lands and premises, inclusive of water frontage included within the special assessment district, to be constituted of the lands so filled in and benefited by the improvement, and the contract for any such improvement shall provide that the contractor shall look exclusively to such assessments and the funds to be derived therefrom, for payment for constructing the same, except whenever any of the owners of the lands assessed for such improvement shall ask for the privilege of paying his assessment in ten installments, as hereinafter provided, the Commission, for and on behalf of the City of Warrenton, shall have power and authority to issue and dispose of negotiable bonds of the City of Warrenton from time to time equal in amount, at the par value thereof, to the amount remaining due the City of Warrenton on account of such persons so assessed having availed themselves of the privilege of paying such assessments in installments, and said bonds shall be payable twenty years from date of issue, and draw interest at such rate as the commission shall determine, not exceeding six per cent, per annum, payable annually, and provide that the same may be called at any time after ten years from date of issue at par, plus the accrued interest, and all moneys paid to the City of Warrenton on account of installments of such assessments shall immediately be used in retiring such bonds.

Such bonds may be issued and sold at par direct to the contractor executing the work. The aggregate amount of such twenty year bonds so issued on account of installments shall not exceed $200,000 at any one time, and such bonds, as well as the bonds issued to secure funds for constructing bulkheads or retaining walls, shall not be taken into computation in ascertaining the limit of indebtedness of the City, mentioned in any other part of the Charter of the City of Warrenton. When the expenses of any fill shall be assessed against any lands belonging to the City, or used for public buildings or grounds, and exempt by law from such assessment, the amount of such assessment shall be paid by the Commission into the fund set aside for the benefit of this department, payable out of the general fund. (Old Charter, Section 102.)

May Secure Bulkhead Right of Way by Condemnation.

Section 20. In case the Commission of the City of Warrenton shall at any time desire to acquire any real property or water frontage within the city for a right of way upon or over any land or lands or water frontage, to construct or maintain any bulkhead or retaining wall across or upon such land or lands or water frontage, it may maintain an action in the Circuit Court of the State of Oregon for Clatsop County, against the owner or owners thereof for that purpose, and it shall not be necessary, in order to maintain any such action, to submit any question to a vote of the tax payers, inhabitants or voters of the City, or in case the Commission should be unable to agree with the owner or owners of property desired for said purpose as to the amount to be paid for the appropriation, thereof, the said

Commission shall by ordinance direct an action or actions to be instituted in the name of the City of Warrenton, in the Circuit Court of the State of Oregon for Clatsop County, to condemn and appropriate to the use of such city, such right of way, and it shall not be necessary in order to maintain any such action, to submit any question to a vote of the tax payers, inhabitants or voters of the City, and such action shall be commenced and prosecuted in the manner prescribed by the General Laws of the State of Oregon providing and regulating the mode of proceedings to appropriate land by counties for public roads or highways. (Old Charter, Sec. 103.)

Procedure When Letting Contract for Construction of Bulkhead.

Section 21. No contract for the construction of any bulkhead or retaining wall shall be let or entered into by the Commission until plans and specifications for the same, and a complete and detailed estimate of the cost thereof shall have been made and filed with the City Auditor and Police Judge, and approved by resolution of the Commission, in which resolution said Commission shall specify and provide the time and manner of constructing and completing the proposed improvement, and all necessary matters relating to the execution and inspection and approval of the work and the time and manner of the payment of the contractor therefor.

All contracts shall be let to the lowest responsible bidder after advertisement for bids, published in at least two issues in a weekly newspaper printed and published in the City of Warrenton, and no contract for any bulkhead or retaining wall shall be let at a price exceeding the estimated cost thereof. Provided, however, that whenever bids received by the said City of Warrenton for constructing any bulkhead, or retaining wall shall exceed the estimated cost thereof, the Commission of the City of Warrenton shall be, and is hereby authorized and empowered to enter into an agreement with any person or persons, contractor or contractors, firm, company or corporation to construct said bulkhead or retaining wall, the City of Warrenton agreeing to pay for the construction of said bulkhead or retaining wall the cost price of all material and labor used in the construction thereof, plus ten per cent, which ten per cent, togehter with the payment of all material and labor used in the construction of the aforesaid bulkhead or retaining wall, shall be payment in full for the construction of the same except the cost of surveying, and superintendence by the Engineer in charge, employed by the City of Warrenton, which is not included in the above ten per cent as hereinbefore mentioned. The Commission shall provide for rejecting any and all bids, and the contractor entering into any contract for the construction of any bulkhead or retaining wall shall be required to give bonds with one or more sufficient sureties in such sum as the Commission may determine conditional for the faithful performance of the contract, and the contractor will pay all persons supplying labor or material in the performance of the same upon which bonds any person or persons supplying labor or material shall have a right to bring action against such principal and surety or sureties in the name of the City of Warrenton. (Old Charter, Section 104.)

May Fill in Reclaimed Tide Lands.

Section 22. Whenever the Commission of the City of Warrenton shall consider it necessary to fill in or reclaim any of the tide lands, mud flats, overflowed lands, lowlands or water frontage in the City of Warrenton, in order to protect the health of the inhabitants of said City, the City of Warrenton, is hereby given power and authority to fill in or reclaim any of the tide lands, mud flats, overflowed lands, lowlands, and water frontage, and the abutting streets within the said City of Warrenton to such depth or level as said Commission shall deem proper, including all streets, alleys, parks, squares, lots, blocks, tracts, parcels of real estate, and water frontage and may establish and lay out reclamation districts and provide for filling in such districts as said Commission shall from time to time consider necessary and proper and defray the costs and expenses thereof

by levying special assessments upon the lots, lands and premises, including the water frontage, franchises, rights of way and easements within each district so reclaimed, according to the benefits resulting to each lot, tract or parcel of land, tract of water frontage, right of way, franchise or easement within the district from the filling of the same or reclamation of the same, including the costs and expensesof filling in streets and intersections thereof within the district so reclaimed, and each lot, tract, or parcel of land, including water frontage, right of way or franchise in each district shall be assessed such proportion of the entire costs and expenses of making the fill, inluding the filling of the streets and alleys, as the benefits resulting to such lot, tract or parcel of land, water frontage, right of way or franchise is proportionate to the benefit resulting to all such property from the improvement of such district. And provided further that any and all streets within any reclamation district may be filled into the same level or grade that the lots, blocks, tracts of land or water frontage in or to the full established grade of such street or streets, or to such depth or level below the established grade, as the Commission shall deem proper and advantageous; and provided further, that whenever the boundary of any district to be filled in shall be the line of any street which is to be filled in whole or in part, as of the improvement of the district, the lots, lands and premises, including water frontage abutting upon or adjacent to and specially benefited by the filling in of such street or portion thereof, may be included within the special assessment district and be assessed for its proportion of the cost of filling in such street according to the benefits resulting therefrom, although such lots, lands or premises or water frontage be not within the district to be filled in or reclaimed. (Old Charter, Section 105.)

May Assess Property Benefited to Defray Cost of Reclamation; Procedure.

Section 23. Whenever the Commission of the City of Warrenton shall deem it necessary in order to protect the health of the inhabitants of any portion of the city to fill in and reclaim any portion of the tide flats, mud flats, overflowed lands, lowlands or water frontage of the City, and to defray the cost thereof by special assessment they shall so declare the fact and their determination or intention to reclaim or fill the same by resolution, stating in general terms the nature and character of the fill and the elevation or level of the same, including that of the street or streets to be filled, and shall designate and describe the district to be filled in and reclaimed, and the district upon which the special assessment shall be levied to defray the costs and expense thereof; and shall cause estimates of the expenses thereof, and specifications for the proposed improvement to be made and filed with the City Auditor and Police Judge. It shall be sufficient to describe in general terms the nature and character of the fill and the elevation and level thereof, including the elevation or level to which the streets are to be filled. Such resolution shall direct the City Auditor and Police Judge, upon the estimate of the costs and expenses thereof and specifications for the proposed improvement being filed with him, to cause notice of the intention of the Commission to cause such fill to be made to be given by publication in a weekly newspaper published in the City of Warrenton, which notice shall contain a statement of the improvement to be made in general terms and a statement of the district to be filled in and to be assessed, and a statement that an estimate of the costs of the improvement and specifications for the proposed work has been filed, and such notice shall be published in such paper for at least two issues thereof.

If a remonstrance against such proposed fill or improvement signed by persons owning one-half of the property in the district to be improved or reclaimed and assessed, shall be filed with the Auditor and Police Judge by the time of the next regular meeting of the Commission following the final publication of such notice, no such fill or improvement shall be ordered exept by the affirmative vote of three members of the Commission but if no

such remonstrance be filed, the same may be ordered by a majority vote of the members of the Commission. At any time after the expiration of said time in which a remonstrance can be filed and within two months thereof, provided said estimates and specifications are filed and within two months thereof, provided said estimates and specifications are filed, the Commission may, be resolution, order the improvement or fill constructed, and prescribe the time and manner of making the same, and upon the passage of such resolution declaring the intention of the Commission to make such fill or improvement and the giving of the notice as in this section provided and the filing of the estimates of the costs and expenses thereof, and specification for the proposed work, and passage of the resolution ordering the improvement or fill, and prescribing the time and manner of making the same, the City of Warrenton shall be deemed to have gained jurisdiction for the purpose of making the improvement and assessing the property benefited thereby to defray the costs and expenses thereof. (Old Charter, Section 106.)

Lowest Bidder to Receive Contract and Furnish Bond.

Section 24. The Commission shall provide by resolution for the time and manner of doing the work of reclaiming or filling in any reclamation district subject only to the following restrictions, viz: after such notice is given as may be prescribed in the resolution the work must be let to the lowest responsible bidder, and the Commission shall provide for the rejection of any and all bids when deemed unreasonable, and the said Commission shall provide for taking security by bond in such sum as it shall consider reasonable, conditioned for the faithful performance of any contract let under its authority, and that the contractor will pay all persons supplying labor and material used in the performance of the work and conform to the requirements of the Charter and all ordinances of the City of Warrenton relating to the public works, and the provisions of such bond may be enforced by an action in the name of the City of Warrenton. The Commission shall provide by resolution for the time of the completion of the work and for the inspection and acceptance thereof. (Old Charter, Section 107.)

Board of Assessors to Make Assessments.

Section 25. When by the provisions of this act the cost and expenses of filling or reclaiming any district of tide lands, mud flats, overflowed lands, lowlands or water frontage is to be defrayed by special assessment upon the property so filled in, within such district benefited by the improvement, such assessment may be made as hereinafter provided. The Commission shall select three disinterested freeholders of the City of Warrenton to act as a Board of Assessors which shall make the special assessments authorized by this act. If a member of such Board shall be interested in any such property in any special assessment district directed to be assessed by the Commission they shall appoint some other person to act in his stead in making the assessments who, for the purpose of the assessment shall be a member of the board and such Board of Assessors may be changed from time to time at the pleasure of the Commission. (Old Charter, Section 108.)

Commission to Hear and Determine Damages.

Section 26. When any special assessments are to be made pro rata upon the lots, lands and premises, including water frontage, rights of way and franchises, in any special assessment district, according to the benefits, the Commission shall by resolution, either at the time of ordering the fill or reclamation or before or after said time direct the same to be made by the Board of Assessors, and shall state therein the amount to be assessed and describe or designate the lots, lands and premises, water frontage, rights of way and franchises constituting the district to be assessed. Upon receiving such order or directions, the Board of Assessors shall make out an assessment roll listing and describing all the lots, premises, parcels of

land, water frontage, rights of way and franchises to be assessed and the valuation thereof, with the names of the owners thereof, if known, and shall levy thereon the amount to be assessed in the manner directed by the provisions of this act. They shall assess upon each lot or parcel of land, tract of water frontage right of way or franchise, such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or parcel of land, tract of water frontage, right of way or franchise for the improvement, and when such an assessment is completed, they shall report the same to the Commission and file the same with the Auditor and Police Judge of the City of Warrenton. The cost and expenses of any improvement which may be defrayed by special assessment shall include the cost of survey, plans, assessments and advertising and the cost of filling in the property reclaimed including the streets and intersections thereof.

In case it shall become necessary to take or damage any property within any improvement district for the purpose of constructing any bulkhead or the filling or reclamation of any land, the Commission shall, upon a claim for such damages being filed by the owner of such property, cause a written notice to be served by the Auditor and Police Judge, upon such owner, stating the time and place of hearing of such matter, and at said time proceed to hear and determine the value of such property or the amount of such damages, and to make compensation therefor from the general fund or direct that the amount thereof be assessed to the property benefited.

Whenever any parcel of land within the boundaries of any proposed improvement district shall be wholly filled to the proposed grade or elevation of the proposed fill, such parcel of land may be excluded from the list of lands to be assessed, when in the opinion of the Commission justice and equity requires exclusion. (Old Charter, Section 109.)

Board of Assessors and Commission to Sit as Board of Equalization.

Section 27. When any special assessment shall be reported by the Board of Assessors to the Commission as in the above section directed, the same shall be filed with the Auditor and Police Judge of the City of Warrenton and numbered. Before adopting the assessment, the Commission shall cause notice to be published in two issues of a weekly newspaper printed and published in the City of Warrenton, of the filing of the same with the Auditor and Police Judge, appointing a time when a committee of the Commission will meet to review the assessment. The Commission and the Board of Assessors shall act as a Board of Equalization and shall have power to raise or lower the whole or any part of such assessment; provided, that in case any assessment is raised, the parties affected thereby shall be notified in writing at least three days before such change shall be made, provided such parties residing outside the City of Warrenton may have said notice served on them by mailing the same to their last known postoffice address at least ten (10) days prior to the hearing of objections to said raise in assesment. Any person objecting to the assessment must file his objection thereto in writing with the Auditor and Police Judge of the City of Warrenton. The Commission and Board of Assessors shall report the result and when said assessment shall be reviewed and corrected, the Commission shall by resolution confirm the same as corrected; or they may refer the same back to the Board of Assessors for revision or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the Auditor and Police Judge shall endorse a certificate thereof upon the roll showing the date of confirmation, and the same shall be final and conclusive. All special assessments from the date of confirmation thereof shall constitute a lien upon the respective lots, parcels of land, water frontage, rights of way and franchises assessed and shall also be a charge against the person to whom assessed, until paid.

Upon confirmation of such assessment, it shall be the duty of the Auditor and Police Judge to enter a statement thereof in the docket of city liens, of the City of Warrenton. (Old Charter, Section 110.)

Lien Docket—To Contain What.

Section 28. The Docket of City Liens of the Commission is a book in which must be entered, in pursuance of Section 27, the following matter in relation to assessments for the filling in and reclaiming of any tide lands, mud flats, overflowed lands, lowlands or water frontage in any improvement district:

1st. The name of the owner of each lot, tract or parcel of land ,or tract or parcel of water frontage, or right of way or franchise assessed or that the owner is unknown.

2nd. The number or letter of the lot assessed and the number or letter of the block and the town or addition in which it is situated, or if a tract of land or water frontage or right of way or franchise, the description of the same.

3rd. The sum assessed upon each lot or tract or land, right of way or franchise and the date of entry.

4th. The time and manner in which the same is to be paid, and if payable in installments, the amount of each installment and the date of payment. (Old Charter, Section 111.)

Assessments May be Paid in Installments Under Certain Conditions—Foreclosure on Failure

Section29. Whenever the assessment for filling in or reclaiming any district against a lot of twenty-five feet by one hundred feet or an equivalent quantity of land shall amount to the sum of $100.00 or more, the Commission shall order that the assessment for such improvement may be paid in ten equal installments, one to be paid at the tme for the payment of the special assessment, and one shall be paid every year thereafter at such time as the Commission shall order together with interest on the portion still remainng unpaid at the rate of six per cent per annum until the whole sum is paid; provided, however, that all persons entitled to the benefit of this provision shall, on or before the confirmation of such assessment or within such further time as shall be provided in the resolution confirming the assessment, file with the Auditor and Police Judge a written application that he be allowed to pay the costs of such fill or improvement in installments, in which written application he shall also state that he does thereby waive any irregularities in such proceedings for the filling or reclaimation of such district, and the levying of assessment for that purpose, and giving therein also a description of his property affected thereby by the lots, blocks or other convenient description and thereafter and thereupon such property owner and such property thereby effected shall pay the cost of such improvement in installments as provided. Provided further, however, that such owner and such property shall have the privilege at any time of paying the whole of such assessment and all interest accrued, and thereupon have such property released from the lien of said assessment.

Provided further, that whenever the assessment of any one person or persons owning property jointly, any company or corporation, for such fill or improvement, shall exceed the sum of $200.00, then such person or persons, company or corporation shall have the privilege of this section as to payment in installment upon like terms.

All special assessments, except such installment thereof as the Commission shall make payable at a future time as provided herein shall be due and payable on confirmation or at such time thereafter as the Commission may prescribe.

In case any installment of assessment against any lot or parcel of land shall not be paid within thirty days from the time the same becomes due, the Commission shall have the privilege and option of declaring by resolution that all of the remaining unpaid installments which stand against the

same property shall at once become due and payable, and when so declared all such installments may be collected at the same time and in the same manner as in case of the first installment then overdue or said remaining unpaid installments may be collected at one time by suit in the Circuit Court of the State of Oregon for Clatsop County, in which suit the person owning the property upon which the unpaid installments for any one improvement remaining due may be joined as parties defendant.

Whenever any special assessment shall be adjudged illegal or invalid for any reason or in case there shall have been a failure to assess the cost of any improvement upon the lands properly chargeable therewith, the Commission shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings for such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the assessment upon such premises and the reassessment shall be to that extent satisfied. No judgment or decree of any court, nor any act of the Commission vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by a regular assessment of proceedings might have been lawfully assessed thereon; and provided further, that in case of any irregularity of any of the proceedings for the filling in or reclaiming of any district or the levying of the assessment to defray the costs and expenses thereof, whether such irregularities be jurisdictional or otherwise, the City of Warrenton shall have power to bring suit in the Circuit Court of the State of Oregon for Clatsop County against the owner or owners of the lot or lots, block or blocks, or parcel or parcels of land ,including water frontage rights of way or franchises upon which the cost of such improvement might or could have been charged or imposed and which were benefited thereby, which said lands, lots and premises and water frontage and rights of way and franchises shall include all lots, lands and premises, water frontage, rights of way and franchises within the reclamation district and recover the proportion of the costs of such improvement from each of said lots, lands and premises, water frontage, rights of way and franchises benefited by such improvement according to the benefits resulting to each from the improvement. In any such suit so instituted all persons whose property is or would be so liable for the payment of any such proportion of the assessment aforesaid shall be joined as parties defendant in one suit and the judgment rendered therein shall be a several judgment in rem against each of said lots, or parcels of land and water frontage, rights of way or franchises owned by each of the several defendants for its proportion of the cost of the improvement and the costs and disbursements and the lien thereof shall be decreed upon the premises. The general laws of the State of Oregon governing suits in equity, service of summons and other process shall apply to any such suit. (Old Charter, Section 112.)

Docket of City Liens—Deemed Public Record—Lien to Take Effect When.

Section 30. The Docket of City Liens in which such assessments shall be entered and all other records of the Commission, shall be deemed public writings and the originals or certified copies of the same or any part thereof shall be entitled to the force, and effect thereof, and from the date of the entry of an assessment upon a lot or part thereof, tract or parcel of land, water frontage or right of way or franchise, the sum so entered is to be deemed a lien thereon, which said lien shall have priority to give when demanded to give the same by the Auditor and Police Judge. (Old Charter, Section 114.)

County Clerk to Certify Name of Owner of Property Assessed.

Section 31. For the purpose of ascertaining who is the owner of any

lot or part thereof,, parcel or tract of land, including water frontage, right of way or franchise assessed for filling in or reclaiming the same, including the streets and intersections thereof, the Auditor and Police Judge and the Commission shall take the certificate of the County Clerk of Clatsop County stating who is the owner thereof at the date of the resolution ordering the assessment as may appear from the records of deeds of said County, which certificate such County Clerk is authorized and required to give when demanded to give the same by the Auditor and Police. (Old Charter, Section 114.)

Auditor and Police Judge to Give Notice of Assessment.

Section 32. A sum of money so assessed for reclaiming or filling in any district can not be collected until by order of the Commission notice thereof is given by the Auditor and Police Judge by publication in two issues of a weekly newspaper published in the City of Warrenton. Such notice must contain the number of the assessment roll a brief description of the district filled in or reclaimed and the names of the persons against whom the assessments are made and the amount owing by each and no other statement shall be required. (Old Charter, Section 115.)

If Assessments Not Paid After Notice Warrant May Issue for Collection.

Section. 33. If within ten days of the expiration of said notice as required by said Section 32, the sum assessed upon any lot or part thereof, tract or parcel of land, tract of water frontage, right of way or franchise is not wholly paid to the Auditor and Police Judge and a duplicate receipt filed with the Auditor and Police Judge the Commission may thereafter order a warrant issued for the collection of the same to be issued by the Auditor and Police Judge directed to the Chief of Police of the City of Warrenton. (Old Charter, Section 116.)

Warrant to Have Effect of Execution—Manner of Making Sale.

Section 34. Such warrant shall have the force and effect of an execution against real property and shall be executed in like manner, except as herein otherwise provided. Such warrant must require the Chief of Police to proceed to collect the unpaid assessment named therein by advertising and selling to the highest bidder the lot, part thereof, tract of land or right of way or franchise described in the warrant in the manner provided by law for the sale of such property under execution, and return the proceeds of such sales to the Auditor and Police Judge of the City of Warrenton with his doings endorsed thereon. Provided that all the unpaid assessments for any one improvement may be included in one advertisement and notice of sale, but each piece or parcel of land shall be sold separately and for a sum not less than the unpaid assessment thereon and interest and cost of advertising the sale; and provided further, that in the execution of said warrant no levy upon the lot or lots or parcels of land, rights of way or franchises described therein shall be required. The notice of sale shall be published once a week for four successive weeks prior to the date of sale. The warrant shall be returned within ninety days after the reeipt of the same by the Chief of Police, and alias warrants may be issued when required. At every sale of real estate under any such warrant for the collection of delinquent assessments the Chief of Police or some other officer duly authorized by the Commission shall bid for and in the name of the City of Warrenton for each tract, lot or parcel of land, right of way, or franchise offered for sale, the amount of the assessment against the same including the amount of any costs and charges accrued; and if no greater sum be bid such tract, lot, parcel of land, right of way or franchise shall be struck off to the City of Warrenton and shall be held by it and be subject to redemption in like manner as if it had been sold to a private person and the Commission may provide for selling and disposing of the same at any time after the right of redemption shall have expired. (Old Charter, Section 117.)

Chief of Police to Furnish Buyer A Deed.

Section 35. The Chief of Police executing such warrant shall immediately make a deed for the property sold thereon to the purchaser stating therein that the same is made subject to redemption as provided in this act. Within three years from the date of such sale the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property or any part thereof separately sold may redeem the same upon the terms and conditions provided in the next section. (Old Charter, Section 118.)

Redemption After Sale.

Section 36. Redemption shall be made by the payment of the purchase money and ten per cent additional as a penalty together with interest on the purchase money from the date of sale to the time of payment at the rate of six per cent per annum and the amount of any tax which the purchaser may have paid on the property redeemed. Redemption from the City of Warrenton shall be made by payment to the Auditor and Police Judge and on written application to the Commission, and upon such application being granted the Mayor and Auditor and Police Judge shall execute redemption certificates to the person or persons making redemption. A redemption discharges the property from the effects of the sale for the assessment. If made by the owner or his successor in interest the estate in the property is hereby restored to the owner or his successor in interest as the case may be, but if made by a lien creditor, the amount paid for redemption is thereafter to be deemed a part of his judgment, decree or mortgage, as the case may be and shall bear like interest and may be enforced and collected as part thereof. (Old Charter, Sec. 119).

If Purchase Refuse to Convey on Redemption May Be Sued—Procedure

Section 37. Whenever a purchaser or those claiming under him refuses to convey to the person entitled to redeem such person may enforce such conveyance thereof by a suit in equity as for a specific performance of contract to convey real property, and such suit may be maintained against absent person without proof of tender of money and offer to redeem, if the plaintiff bring the money into Court with his complaint, and offers to redeem. Every action, suit or proceeding which may be commenced for the recovery of land which shall have been sold by the Chief of Police of Warrenton for any such assessment, except in cases where the assessment for which the land was sold has been paid before the sale or the land redeemed as provided by law, shall be commenced within four years from the time of the recording of the deed executed by the Chief of Police and not thereafter. In any suit, action or proceeding in any Court concerning any assessment of property authorized by this act or the collection of such assessment or proceedings consequent thereon, such assessment and subsequent proceedings and all proceedings connected therewith shall be presumed to be regular and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed or left to discretion or judgment of the Commission such discretion or judgment when exercised or declared is final and cannot be reversed or called in question elsewhere. (Old Charter, Sec. 120.)

Deed—What to Contain

Section 38. In making a deed for real property sold for delinquent assessment for filling in or reclaiming any improvement district, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient if it substantially appears from such deed that the property is sold by virtue of a warrant from the Auditor and Police Judge and the date thereof together with the date of sale and the amount bid thereat by the purchaser and the person to whom sold and such deed shall be prima facie evidence of the authority to make the sale and the regularity of anterior proceedings. No suit or legal proceedings shall be instituted to set aside such a deed or to have the same declared void without first tendering to the

purchaser of the property at the assessment sale, his heirs or assigns, whether the purchaser be the City or otherwise, the amount bid at such sale for the property together with ten per cent. penalty on said amount, with interest on the amount bid at such sale from the date of sale at six per cent. per annum and all taxes and assessments paid by such purchaser on account of such property, with like interest thereon. And in any such suit or action prosecuted by any person claiming to be the owner of any property under an assessment sale for the recovery of the possession of such property, the defendant, except in cases where the assessments have been paid or the property redeemed shall tender with his answer and pay into Court for the benefit of the holder of the assessment title, the amount hereinbefore required to be tendered in an action brought to set aside such assessment deeds. The style of the warrant for the collection of delinquent assessments shall be "In the name of the City of Warrenton." (Old Charter, Sec. 121.)

Materials to Make Fill May Be Dredged From Columbia River of Skipanon Waterway

Section 39. Any contractor who has entered into any contract with the City of Warrenton to fill in or reclaim any reclamation district under this act may dredge out material for the purpose of making the fill from the beds of the Columbia River and the Skipanon River, or Waterway, along the City water front, outside of the pier head line, under such restrictions and regulations as the Commission may from time to time prescribe by resolution. (Old Charter, Sec. 122.)

Streets May Be Improved By Filling—Assessments Against Owner Benefited

Section 40. Nothing in this act contained shall be so construed as to in any way abridge or interfere with the power of the Commission of the City of Warrenton to improve any and all streets thereof in any manner now provided; and said Commission may improve any street by constructing retaining walls on each side thereof to retain the fill and by grading and filling the same to the established grade and by macadamizing or paving the same or in any other manner whatever, and assess the costs and expenses thereof against the property benefited thereby as now provided by the Charter of the City of Warrenton; and provided further, that whenever any street over the tide lands, mud flats, overflowed lands or lowlands of the City of Warrenton shall be improved by filling the same to the established grade and macadamizing or paving the same and the assessment for such improvement against a lot twenty-five feet by one hundred feet or an equivalent quantity of land shall exceed the sum of $100.00, the owner of the property so assessed shall upon application therefor to the Commission before confirmation of the assessment and waiver of all irregularities in the proceedings have the privilege of paying such assessment in ten equal installments, one of which shall be payable at the time the assessment is confirmed, and one every year thereafter with interest on all unpaid installments at the rate of six per cent. per annum, payable annually until all installments are paid in full, which said assessments except as herein otherwise provided shall be levied and collected in the same manner as other street assessments are levied and collected and all such provisions of the Charter shall be applicable to and govern the mode of proceedings for such improvement and the levy and collection of the assessments to defray the costs thereof. (Old Charter, Sec. 123.)

Limit on Bonded Indebtedness

Section 41. The City of Warrenton through its Commission shall not incur any indebtedness in carrying out the provisions of this Act in excess of said $200,000 for constructing bulkheads and retaining walls and said $200,000 for filling in and reclaiming the tide lands, mud flats, overflowed lands and lowlands. (Old Charter, Sec. 124.)

The Commission May Provide Harbor Improvements, Including Building and Constructing Docks, Piers, Bulkheads, Dredging and Filling

Section 42. The Commission of the City of Warrenton shall have power, and it shall be its duty for and on behalf of the City of Warrenton:—

(a) To cause to be prepared a comprehensive plan for the construction of the harbor front of the City of Warrenton, making provisions for the needs of commerce and shipping; and providing for the construction of such docks, piers, slips, wharves, basins, cranes and dock apparatus as it may deem necessary for the convenient and economical accommodation and handling of water craft of all kinds, and of goods and passengers; and it may modify such plans from time to time as the requirements of commerce and shipping and the advance of knowledge and information on the subject may suggest.

(b) And as a part of such plan to provide for publicly owned docks, of such number and character, and in such places as the Commission may deem feasible and proper.

(c) To purchase or acquire by condemnation, as hereinafter provided, or by other lawful means, such lands or rights or interests therein as may be proper or necessary for use in the construction of any publicly owned dock, wharf, pier, slip, basin or other structure, as may be provided for in such plan, as the Commission shall from time to time deem proper and expedient that the City of Warrenton should acquire possession of such wharf property or land, and if no price can be agreed upon by the Commission and the owner thereof, then, the Commission may direct the City Attorney to take legal proceedings to acquire the same for the City of Warrenton in the same manner as land is condemned under the general laws of the State of Oregon in the case of Counties seeking to acquire rights of way for public roads. The title to all lands acquired by the Commission shall be taken in the name of the City of Warrenton. If any lands acquired by the Commission shall become unsuitable for the purposes for which they were acquired, they shall become the property of the City of Warrenton, free from any restrictions, upon the passing of a resolution so declaring by the Commission. The Commission may exchange or otherwise dispose of the same, in the discharge of its duties as hereinafter set forth. No further evidence of attempt by the Commission to agree with the owner of property shall be required than the sending of an offer by registered mail to the owner or occupant by name, if known, if not, by such general designation at the premises, if occupied, if not, by posting a notice in a conspicuous place on said premises for ten (10) days prior to the institution of the suit, setting forth the amount of the offer made by the Commission.

(d) The Commission shall have exclusive charge and control of the wharf property belonging to the City of Warrenton, including all of the wharves, piers, bulkheads, and structures thereon and water adjacent thereto, and of all the slips, basins, docks, water fronts, lands under and structures thereon, and the appurtenances, easements, uses, reversions and rights belonging thereto, which are now owned or possessed by the City of Warrenton, or which the City of Warrenton may become entitled to, or which the City of Warrenton may acquire under the provisions hereof, or otherwise. The Commission shall have the exclusive charge and control of the repairing, building, rebuilding, operation, alteration and leasing of said property, and every part thereof and all of the cleaning, dredging and deepening necessary in and about the same, not otherwise controlled by law.

(e) The Commission is also vested with the exclusive government and control of all wharves, piers, bulkheads and structures and wharf property and water adjacent thereto, and all the basins, slips, and docks with the land under water of said City of Warrenton, not owned by said City. The Commission in addition to a general control over the harbor front of the City of Warrenton, shall have authority to control loading and

landing merchandise, with the right to collect dockage, wharfage and tolls thereon, as hereinafter provided.

(f) In the construction of docks, or the performance of other work, the Commission shall proceed only after public notice, asking for proposals based upon the plans and specifications submitted and filed with the Commission by the City Engineer, and approved by the Commission, provided that when, in the judgment of the Commission, the bids received are excessive, or otherwise unsuitable, the Commission may proceed to do the work directly or without contract, it shall make no purchase of materials in the right to reject any and all bids. In the event that it shall perform the work diretly or without contract, it shall make no purchase of materials in amounts exceeding one hundred ($100.00) dollars, except by public letting, or in case of failure to receive bids after reasonable notice in a newspaper of general circulation in the City of Warrenton, or in case of extreme emergency or where the delay of public letting might cause serious loss or injury to the work.

(g) The Commission shall have the power to make general rules and regulations in the carrying out of the plans proposed, and provided by it for the building, rebuilding, repairing, alteration and maintenance of all structures, erections and artifical constructions upon or adjacent to the water front of the City of Warrenton, and, except as provided by the general rules of the Commission, no new structures or repairs upon or along said water front shall be undertaken except upon application to the Commission and under permit by it and in accordance with the general plans of the Commission and in pursuance of specifications submitted to the Commission and approved by them upon such application. The general rules and regulations of the Commission shall be embodied in the forms of ordinances.

(h) The Commission shall have the power to fix, regulate, and to alter the dockage, wharfage and cranage charges for all publicly owned docks, piers, wharves or slips owned by the City of Warrenton, and a schedule of such regulations shall be enacted in the form of ordinances, passed by the Commission.

(i) The power and authority over that part of the streets of the City of Warrenton which abut upon or intersect the navigable waters lying between the harbor and the first intersecting street, measuring backward from highwater mark, is hereby conferred upon and vested in the Commission to the extent only that may be necessary or requisite in carrying out the powers elsewhere vested in it by this Section of the Charter; and it is hereby declared that such powers shall include the right to build docks, wharves, piers, retaining or sea walls or other construction across and upon such streets, providing only, that access be provided to the public at the shoreward end thereof.

(j) The Commission shall have the power to employ such officers, employees and agents as may be necessary in the efficient and economical carrying out of the provisions of this Section, and provide for their compensation.

(k) The Commission shall annually make a full report of its doings for the year under this Act, including an itemized account of its receipts and expenditures, and of its estimated receipts and expenses for the ensuing year; such reports shall be made at the same time as reports of the other departments of the City of Warrenton are submitted; such reports shall include careful estimates of amount necessary over and above net current receipts of the Commission to pay interest on its bonded indebtedness then outstanding under this Section to provide for the sinking fund hereinafter described, and for the necessary expenses of the Commission in the maintenance and operation of dock property. A tax levy sufficient to raise the amount named by said estimates shall annually be made by the Commission of the City of Warrenton, in such manner and at such time as other taxes are levied.

(l) The Commission of the City of Warrenton is hereby authorized, in the name of and under the corporate seal of the City of Warrenton, to issue and dispose of bonds of the City of Warrenton to an amount not exceeding $350,000.00 in such denomination as the Commission may determine, and in such form as it may direct. The Commission may prescribe the length of time for which said bonds shall run, and that such bonds, or a prescribed portion of them, may be retired at any time after ten (10) years. Such bonds may be issued in series, as the necessity for the expenditure of money in the progress of the work of the Commission may arise. The bonds shall be signed by the Mayor and countersigned by the Auditor and Police Judge of the City of Warrenton. Coupons shall be attached with facsimile signatures of the Mayor and said Auditor. Said bonds shall contain a promise on the part of the City of Warrenton to pay to the bearer of said bonds, or the registered holder thereof, if the same shall be registered, at the maturity thereof, the sum mentioned therein, in Gold Coin of the United States, together with such interest thereon, in like Gold Coin, as said Commission shall prescribe, not to exceed six per cent. per annum, payable half-yearly. Said bonds shall be known as "Dock Bonds of the City of Warrenton." They shall be sold to the highest responsible bidder by the Commission, but the Commission may reject any and all bids tendered for the same, and proceed to readvertise when bids are not satisfactory.

The Treasurer of the City of Warrenton shall have the care and custody of all moneys received from the sale of said bonds and shall pay out the same on the warrents signed by the Mayor and countersigned by the Auditor and Police Judge of the City of Warrenton, and not otherwise. The Commission of the City of Warrenton is hereby authorized and directed to levy an annual tax not exceeding 15 mills on the dollar of assessed value of property in said City, to be used for the purpose of paying interest on bonds issued under this Section and for redeeming such bonds, and providing a sinking fund for the payment of said bonds. The proceeds from the sale of said bonds shall be expended by the Commission as follows:—

(1) In the payment of the expenses of issuing the said bonds;

(2) For the preparation of the plans provided for herein, and for the purchase of land for docks and (or) the purchase of other lands or in pursuance of condemnation proceedings, and

(3) In the reclaiming of tide lands, lowlands and overflowed lands so purchased, and the building of bulkheads and retaining walls, and the construction and maintenance of docks, piers, slips and wharves, and in the maintenance, operation and management of the same; and in the exercising of the Commission's general powers.

The bonds may contain such provisions for their redemption as the Commission may prescribe, but in the event of no provision being made therein, after five years from the issuance of any series of bonds, not less than two per cent. of the principal thereof shall be set aside as a sinking fund and invested in income-bearing securities, perference being given to bonds of the City of Warrenton; such security in no case to have a date of maturity subsequent to that of the bonds for the payment of which they are to provide.

(m) All moneys received by the Commission under this Section shall be paid to the City Treasurer, and by him kept in a separate fund. (Old Charter, Sec. 127.)

City Authorized to Purchase 100 Acres of Land for Harbor Improvement

Section 43. That the Commission of the City of Warrenton be and it is hereby authorized, empowered and directed to purchase the following described land, to-wit:

Commencing at a point in the westerly pierhead line of the Skipanon Waterway, City of Warrenton, as now established by the City of Warrenton, said point beginning, being south 50 degrees 29¼ minutes East and 2357.2

feet, distant from the quarter corner between Sections 15 and 16 T. 8 N., R. 10 W., W. M.;

Thence North 13 degrees 16 1-2 minutes East along said pierhead line, distance of 981.64 feet to a point: thence North 71 degrees 0 minute West a distance of 1002.3 ft.; thence South 19 degrees West a distance of 1972.40 ft. to a point in the northly to be obtained by this ordinance will boundary line of the Warrenton Clay Company's property; thence in an easterly direction along said northerly boundary line of the Warrenton Clay Company's property a distance of 1104.6 feet, more or less, to an intersection with the said pierhead line, thence north 19 degrees East a distance of 1096.94 ft. more or less, to the point of beginning, containing 50 acres.

Commencing at a point in the westerly pierhead line of the Skipanon Waterway as now established by the City of Warrenton, said point being south 75 degrees 39 1-2 mnutes East, and 2114.75 ft. distant from the quarter corner between Sections 15 and 16 T. 8 North, R. 10 W., W. M.; thence along said pierhead line North 19 degrees East a distance of 189.91 ft. to a point which is the point of beginning of the parcel of land herein described; thence continuing North 19 degrees East along said pierhead line a distance of 2143.03 ft. to the intersection of the said Skipanon Waterway pierhead line and the Columbia River pierhead line, as now established and approved by the Secretary of War May 21, 1896; thence North 67 degrees West along said Columbia River pierhead line a distance of 1002.44 ft.; thence South 19 degrees West a distance of 2212.97 ft.; thence South 71 degrees East a distance of 1000 ft. to the point of beginning, containing 50 acres. (Old Charter, Sec. 130.)

City Authorized to Issue Bonds to Pay for Said Land

Section 44. That for the purpose of providing sites for and upon which to construct docks, piers, slips, wharves, basins, cranes, and dock apparatus, it is deemed advisable that the City of Warrenton purchase the property described in Section 43, and the Commission is authorized and directed to purchase said property and pay therefor a sum of money not exceeding $1,350.00 per acre, and to provide the means with which to pay for said lands. The Commission of the City of Warrenton is hereby authorized in the name of and under the corporate seal of the City of Warrenton to issue and dispose of bonds of the City of Warrenton to an amount not exceeding $150,000.00, in such denomination as the Commission may determine, and in such forms as the Commission may direct. The Commission may prescribe the length of time said bonds shall run and that such bonds or a prescribed portion of them may be retired at any time after ten (10) years; the bonds shall be signed by the Mayor and countersigned by the Auditor and Police Judge of the City of Warrenton. Coupons shall be attached with facsimile signatures of the Mayor and Auditor and Police Judge; said bonds shall contain a promise on the part of the City of Warrenton to pay to the bearer of said bonds, or the registered holder thereof, if the same shall be registered, at the maturity thereof, the sum mentioned therein in Gold Coin of the United States, together with such interest thereon in like Gold Coin as said Commission shall prescribe, not to exceed six per cent. per annum, payable half-yearly; they shall be sold to the highest responsible bidder by the Commission, but the Commission may reject any and all bids tendered for the same, and proceed to readvertise when bids are not satisfactory.

The Commission of the City of Warrenton is hereby authorized and directed to levy an annual tax not exceeding 10 mills on the dollar, to be used for the purpose of paying interest on bonds issued under this Section of the Charter, and for redeeming such bonds.

The Treasurer of the City of Warrenton shall have the care and custody of all moneys received from the sale of said bonds, and shall pay out the same on the warrants signed by the Mayor and countersigned by the

Auditor and Police Judge of the City of Warrenton, and not otherwise. (Old Charter, Sec. 131.)

City's Credit Pledged to Pay Bonds

Section 45. And the full faith and credit of the City of Warrenton shall be pledged to the payment of all bonds issued under Section 44 of this Charter. (Old Charter, Sec. 132.)

Section 46. In ascertaining the limited indebtedness of the City of Warrenton said Section 44 shall be excepted.

City Authorized to Sell or Lease Said 100 Acres of Land

Section 47. That the City of Warrenton has heretofore acquired, and now owns, the title in fee of, in and to the lands and premises described in Section 43 of this Charter, under the provisions of such section and other provisions thereof applicable thereto, for the uses and purposes therein specified.

That it is hereby declared that the use of said lands and premises, for the purpose of providing sites for and upon which to construct docks, piers, slips, wharves, basins, cranes and dock apparatus, and other uses and purposes expressed in said Section 43, and other provisions of the Charter applicable thereto, is too restrictive for the commercial, shipping and general welfare interests of the City of Warrenton and the inhabitants thereof.

It is further declared that the commercial shipping and general welfare interests of said City and the inhabitants thereof demand that the use of such lands and premises, and the whole thereof, should and ought to be enlarged and extended, so that such lands and premises, and the whole or any part thereof, may be used and employed for any and all purposes tending to promote the commercial and shipping interests of the City and the inhabitants thereof, and to promote the general welfare of the people.

Therefore, the City of Warrenton, in addition to the powers now and heretofore granted and vested in it, be and is hereby authorized and empowered to lease said tract of land in said Section 43 described, or any part or portion thereof, for industrial purposes, and for any and all purposes which, in the judgment of the Commission, will promote the general industrial, commercial or (and) shipping industry or industries of the City of Warrenton and the inhabitants thereof, and for such other purposes as the Commission may determine of benefit, or which may promote the general welfare of the City, or the inhabitants thereof, and to such person, or persons, firms or (and) corporations as the Commission shall from time to time determine, and upon such terms and for such rentals as such Commission may from time to time determine, provided that the term of any lease shall not exceed fifty years.

That the City of Warrenton be, and is hereby further authorized and empowered to sell said tract of land described in said Section 43, or any part or portion thereof, at such price and (or) prices as the Commission may determine, and the commission is hereby authorized and empowered to accept in payment therefor either cash in hand at the time of sale, or the promissory note or notes of the purchaser, bearing interest at such rate as the Commission shall determine, payment to be secured by first mortgage upon the tract or tracts conveyed.

That the Commission is also authorized and empowered, as a condition or conditions for the sale or leasing of said lands, or any part thereto, to require the construction, operation, and maintenance thereon of such industrial plant or plants as the Commission may deem adventageous to the commercial and shipping interests, as well as the general welfare of the City. (Sec. 135 of Old Charter as Amendedby Initiative, Dec. 8, 1921.)

Indebtedness of City Not to be Affected

Section 48. It is unequivocally and emphatically understood by the persons who drafted this Charter and by the persons who vote thereon that this Charter shall not increase, or decrease, or authorize the increase or decrease, of the bonded or other indebtedness of the City of Warrenton.

Saving Clause Regarding Indebtedness Due the City

Section 49. All proceedings instituted under the existing Charter of the City of Warrenton for the making of any and all kinds of Improvements under such Charter shall be continued to completion, including the levying and making of assessments and collection of the same to pay for the cost of any such improvements under the provisions of said existing Charter. It is intended that all assessments or other indebtedness due to the City of Warrenton, or The Water Commission of such City, created under the provisions of the existing Charter shall be collected, and the method of procedure for the collection of the same had and pursued, and provided in the existing Charter, and said existing Charter to that extent shall not be repealed by this Charter.

Invalidity of One Part of Charter Not to Affect Remainder

Section 50. It is the intention of the drafters of this Charter and of the electors who vote in favor of its adoption that, should any clause, sentence, paragraph, section or chapter of this Charter be declared void for any reason, the remainder of this Charter shall not be thereby affected, but all of the rest and residue of this Charter shall remain in full force and effect.

When Charter Becomes Effective

Section 51. This Charter shall become effective on January 2, 1923, if adopted by a majority vote of the legal voters of the City of Warrenton, voting thereon at the special election to be held in said City on the 7th day of November, 1922, provided that sections numbered three (3) to seventeen (17), both inclusive, of Chapter three (3) of this Charter, should this Charter be adopted as aforesaid, shall become and be effective from the date of the adoption of this Charter; and provided further, that all laws, charters, and ordinances in conflict with said sections numbered 3 to 17, both inclusive, of Chapter III of this Charter, upon such sections becoming effective shall be, and the same hereby are, repealed, to take effect at that time; and provided, further, that except as in this Charter otherwise prescribed, the existing Charter of the City of Warrenton shall be, and the same hereby is, repealed to take effect on January 2, 1923; and provided further, that all ordinances enacted under the existing Charter of the City of Warrenton, not in conflict with this Charter, except any that may be hereafter expressly repealed, shall continue and be in force after the adoption of this Charter and wherever any act or duty is to be performed under such ordinance, or ordinances, by the City Marshal, or Marshal, the same may be performed by the Chief of Police of the City of Warrenton, whose duties shall include the duties of the officer of the City heretofore known and designated as Marshal, or City Marshal, of Warrenton.